Chapter 11: More havoc: the law

The law

The law is a powerful instrument for spreading an agenda throughout society, given its punitive function mandated by the nation state; and the transgender agenda has made full use of it, chiefly by getting legislatures to include that spurious category of persons, 'gender identity', in anti-discrimination/human rights/equal opportunity legislation. Australia has acquiesced, although at the time of writing the UK government was still holding out against making a Gender Recognition Certificate easier to get even though it has never required surgery as a qualification. Self-id, however, has infiltrated British society, as institution after institution falls in with transgender demands; and although the government might not have wholly succumbed, the court system, with its Equal Treatment Bench Book, certainly has. As might be expected, the situation in the US lines up on party lines, with the faintly left-wing Democrat state legislatures in favour of transgender and the definitely right-wing Republican legislatures against.

This is the trans lobby's strategy of 'allowing trans people to have their gender identity legally recognised through self-determination rather than medical diagnosis or court order' (as the IGLYO report[1] put it) (IGLYO, 2019: 6). Legal self-

[1] Usually referred to as 'the Dentons' report' because the law firm, Dentons, was the lead instigator. For a discussion of this report, see the 'Piggybacking' chapter.

determination or self-identification (self-id) means that any man who says he's a 'woman' must be believed, and anyone who publicly disagrees with that must be subject to legal penalties. By 2019, 36 countries in Europe and Central Asia had acquiesced in this, either wholly or in part.[2]

And self-id *is* primarily about men. One of transgender's chief concerns about legislation that requires surgery before someone can be recognised as the 'gender' they want to be, is what it refers to as 'forced sterilization' (IGLYO, 2019: 46). But it is only men who are sterilised by the 'gender reassignment surgery' requirement to be legally recognised as 'transgender', because the surgery for men involves castration. For young women and girls, the usual form the surgery takes is double mastectomy which is not sterilising. There *are* young women who have become pregnant after transgender surgery. They call themselves 'men' despite the pregnancy, which is the reason why the trans agenda insists on de-gendering the language referring to women's biological capacities.

According to Transgender Europe, the European Court of Human Rights 'ruled that **requiring sterilisation in legal gender recognition violates human rights law**' in April 2017 (see endnote 2—original emphasis. See also: Stack, 2017). Certainly, surgical excision of healthy male genitals is morally repugnant (although it is not 'forced' because the men actively desire it). But it is also unnecessary, not because men can become 'women' simply by saying so, but because men can never become women, whatever they say or do.

Australia

The Sex Discrimination Act 1984

Currently, the Australian Human Rights Commission (AHRC) tells us, 'The Sex Discrimination Act 1984 protects people from unfair treatment on the basis of their sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy and breastfeeding'.[3]

This is not the wording of the original Act, which simply had 'marital status' after 'sex', and not 'sexual orientation, gender identity, intersex status'. This changed in 2013, when the vaguely left-wing Labor Government, under the prime ministership of the only female prime minister Australia has ever had, Julia Gillard, inserted the latter three categories into the Act in a fine example of government compliance with the piggybacking strategy. Other wording was also modified in accordance with transgender wishes. The definitions of 'man' and 'woman' were deleted ('repealed') (Australian Government, 2013a: subsection 4(1)). They had been defined in the original Act as '*man* means a member of the male sex irrespective of age', and '*woman* means a member of the female sex irrespective of age' (AHRC, 2023: 3). Interestingly, the UK *Equality Act 2010* retains those definitions of 'man' and 'woman'.[4] In the Australian Act, the words, 'the opposite sex' (which implies that there are only two sexes), were also deleted, with the words 'a different sex' substituted instead (Australian Government, 2013a).

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[2] https://tgeu.org/trans-rights-europe-central-asia-map-index-2019/

[3] https://humanrights.gov.au/our-work/legal/legislation#sda

[4] https://www.legislation.gov.uk/ukpga/2010/15/section/212

In the same year, the government issued the *Australian Government Guidelines on the Recognition of Sex and Gender* for government departments and agencies that collect information about people in their personal records (Australian Government, 2013b). The Guidelines, too, are in full accord with the 'transgender' agenda. (For a discussion of the individualism of these guidelines, see the 'Introduction'). They state that 'Sex reassignment surgery and/or hormone therapy are not pre-requisites for the recognition of a change of gender in Australian Government records' (p.5, para.25). Men claiming they're 'women' (and tokenistically, women vice versa) simply have to have a statement from a 'Registered Medical Practitioner or a Registered Psychologist', or a government document (e.g. passport) or birth certificate that specifies the 'gender' they want to be. The sex on a passport is decided by the sex on the birth certificate, but most Australian states and territories don't require surgery to have the sex (and it *is* sex, not 'gender') changed on birth certificates. (See the 'Birth certificates' section of the '… and statistics' chapter).

So men simply have to say they're 'women' in order to have their sex recorded as 'female' on official documents. They must be able to find a compliant medical professional, but this doesn't present much difficulty, given that large swathes of the medical profession have fallen for the transgender lure. (For a discussion of Australian 'conversion therapy' legislation, see the 'Conversion therapy' section of the 'Piggybacking' chapter).

The Lesbian Action Group and the AHRC

This inclusion of 'gender identity' in the 2013 amendments to the federal *Sex Discrimination Act* has already had detrimental consequences for Australian lesbians. As mentioned in the previous chapter, the Victorian Lesbian Action Group was refused an exemption by the Australian Human Rights Commission which would have enabled them to hold publicly advertised events for Lesbians Born Female only, without having to include men calling themselves 'lesbians'. In its decision to refuse the exemption, the Commission appealed to the law, pointing out that the deletion of the definition of 'woman' meant that the word now included 'a transgender woman' (AHRC, 2023: 4, para.4.5).

The AHRC's decision also referenced the Act's Explanatory Memorandum, which said that 'sex is not a binary concept' (hence the change from 'opposite sex' to 'a different sex'). The Act also used the terminology 'the person's designated sex at birth' in defining 'gender identity' (Australian Government, 2013a: section 6, subsection 4(1)). This implied (according to the AHRC) 'that the concept of sex in the SDA is broader [than 'biological characteristics'], and that 'sex' may change over the course of a person's lifetime' (AHRC, 2023: 3, para.4.2). Clearly, the Australian Act was drafted by someone committed to the transgender agenda, and the government was heedless of the fact that the 'gender identity' with which lesbians are force-teamed by law involve men with intact genitals with a sexual fetish directed at lesbians. These are men, no different physiologically from other men, with a typically male sexual fetish.

The situation would be farcical if it were not so misogynist. The farcical aspect is the belief that men can be 'lesbians', the misogynist aspect is the power to force lesbians to accept men (who can never be women, no matter how often they say they are), or be penalised for wanting to exclude them. Lesbians should not have to apply for exemptions from anti-discrimination legislation anyway, nor should women more

generally. As Anna Kerr of the Feminist Legal Clinic said in her submission to the Commission, "an exemption should not be necessary to hold a lesbian-only event" (Le Grand, 2023b). Exemptions only make sense because of the spurious equality of such legislation. It is women who are discriminated against, and yet the ground of discrimination in the legislation is 'sex', not 'female sex', even though men are not discriminated against as a sex (although they can be discriminated against on other grounds such as race, age or disability). Whenever women's organisations need to be women-only (often because of justified fear of male violence, e.g. refuges, rape crisis centres, crisis accommodation, housing cooperatives), they have to apply for an exemption from the anti-discrimination legislation. That is usually granted (see the NSW Anti-Discrimination Board's list of 'certifications', i.e. exemptions).[5] But if the law is meant to provide women with a form of redress, why should they have to apply for exemptions?

(Some of the certifications are for men's groups—'a gay sauna venue for men', 'gay venue for men', 'Older Men: New Ideas Project', a 'Hard Core Gym', etc. But there is no rational reason why these men should have to apply for a special dispensation either, why they can't just form their organisations without having to jump through legal hoops. They have nothing to fear from women, neither physical violence nor litigation protesting about being excluded; and heterosexual men are hardly likely to want to be included in the gay venues anyway—a lot of male-on-male sex happens in these places. The older men have nothing to fear from women either. None of these men need protection from the law).

The answer is that it is politically impossible to legislate solely in the interests of women, even though it is only women who are discriminated against on the grounds of their sex. Society and its institutions are male supremacist and that is disguised by a spurious equality that falsely assumes there are no hierarchies of entitlement and disentitlement, of worth and worthlessness, of access to resources. It is not permissible to exclude men, hence the obliteration of lesbianism, which does involve excluding men from their self-appointed right to sexual access to women. The 'gender identity' of men calling themselves 'lesbians' rectifies that exclusion, and the law makes that rectification mandatory. It makes it obligatory for lesbians to include men in their organisations. That the law makers couldn't see this is yet another example of the male supremacist ethos. (For a further discuss of the transgender capture of 'human rights', and the AHRC in particular, see the 'Strategies' chapter).

The Family Court of Australia

It is not really surprising that the Family Court of Australia (merged with the Federal Circuit Court since September 2021) was captured by the transgender agenda, even to the extent of renouncing its safeguarding role. Not only had the Australian government embraced transgender, the courts had to rely on the 'expert' opinion of the medical professionals, and 'expert' medical opinion had embraced transgender long before the first case involving a child appeared in an Australian court. The courts rarely heard the contrary point of view, and even when they did, it was drowned out by the seemingly impeccable credentials of the trans voices.

[5] https://antidiscrimination.nsw.gov.au/anti-discrimination-nsw/organisations-and-community-groups/exemptions-and-certifications/current-certifications.html

So the only evidence the judges got (or allowed themselves) to hear was evidence that supported the pro-transgender side. They had to make decisions on whether children could be dosed with puberty blockers (Stage 1), cross-sex hormones (Stage 2), and even undergo surgery (Stage 3), informed only by their own personal knowledge, the pleas of those who wanted these procedures, and evidence that supported those pleas. It is not surprising, then, that the Family Court's decisions about the transgendering of children became more and more favourable towards the transgender cause.

The first transgender case involving a child to come before the Family Court was the case of *Re: Alex* in 2004.[6] At that time, there were no legal precedents the judge, Chief Justice Alastair Nicholson, could call upon to support his decision—he is quoted saying, that the case "would seem [to be] a novel one"—and he had no information about similar legal cases, either in Australia or overseas—he "was not referred to any Australian or overseas authority with similar fact characteristics", he said (Family Court of Australia, 2017: paras.140, 141).

The application was made by the legal guardian of a 13-year-old girl with the pseudonym 'Alex' who wanted to be a boy. It asked the court for the parental authority to allow her to undergo Stages 1 and 2 of transgender 'treatment' (in trans-speak, 'the administration of medical treatment for Gender Dysphoria'). Because it was an application by a parental figure, and therefore involved the question of whether or not a parent could give consent for the 'treatment', the Court was not asked to decide whether or not the child was 'Gillick competent'. The Court's decision was that, because of the risks, parental consent was not sufficient, and 'court authorisation was required for both procedures' (Family Court of Australia, 2017: para.102). As a result of this case, and until 2013 (see below—*Re: Jamie*), families caught up in transgender enthusiasm had to come to court before they could subject their underage children to any transgender 'treatment'.

For an example of the Family Court being influenced by a child's threat to commit suicide, both in Alex's case and that of another girl wanting to be a boy ('Brodie'), see: Kissane, 2009b;

for a pro-transgender account of the 'evidence' the Court relied on in its decision, including 'Alex's threats to commit suicide, see: Mills, 2004.

Not to worry though, the courts almost invariably decided in transgender's favour (as did Nicholson CJ in *Re: Alex*) (Richards and Feehely, 2019: 100). This was despite the fact that, as Nicholson CJ said, and every judge very well knew, "There are significant risks attendant to embarking on a process that will alter a child or young person who presents as physically of one sex in the direction of the opposite sex, even where the Court is not asked to authorise surgery" (Family Court of Australia, 2017: para.140). Incidentally, he was concerned about ruling on the question of surgery. It was unnecessary, he said, although not because it was impossible to change sex, but because children ought be able to 'change' their sex without it:

> "The requirement of surgery seems to me to be a cruel and unnecessary restriction upon a person's right to be legally recognised in a sex which reflects the chosen gender identity and would appear to have little

[6] I have been unable to find the Court report of this case on the internet. All quotations from it are taken from Family Court of Australia, 2017, *Re: Kelvin*.

> justification on grounds of principle" (quoted in Richards and Feehely, 2019: 100).

So it would seem that Nicholson CJ had qualms about surrendering children to the transgender mandate, at least as far as surgery was concerned, although those qualms were clearly not strong enough to reject that mandate altogether. And in 2009, the Court, under a different Chief Justice, Diana Bryant, allowed 'Alex' to have her breasts removed at the age of 17, rather than having to wait until she was 18 when she wouldn't need the Court's permission. The judge was reported to say that the surgery wasn't irrevocable. "You can have prostheses and things", she said, "So if he [sic] changed his [sic] mind later on, it's reversible" (Kissane, 2009a). But of course it isn't. Nothing can re-grow healthy breast tissue, and silicon substitutes are not the same thing at all.

Until 2013, with *Re: Alex* as precedent, court authorisation was required before any minor could undergo any stage of transgender 'treatment'. With the *Re: Jamie* case and subsequently (until cases in 2017 and 2018—see below), the criterion for allowing transgender 'treatment' for minors to go ahead was 'Gillick competence', although that still required a Court to decide. Between 31 July 2013 and 16 August 2017, the Family Court heard 63 cases involving applications for either stage 2 or stage 3 (Stage 3 being surgery). The Court allowed the 'treatment' in 62 of those cases, all of them because the Court decided the child was 'Gillick competent'. (In the other one, the young person aged 17 years and 11 months, sex unspecified, was judged not to be 'Gillick competent') (Family Court of Australia, 2017: paras. 51, 52).

'Jamie', a boy claiming to be a girl, was not quite 11 years old when his parents, 'following the advice of doctors', applied to the Family Court for permission for him to undergo Stages 1 and 2. In April 2011, a Family Court judge dismissed Jamie's parents' application to be the sole authority in decisions about his transgender 'treatment'. "It is generally within the bounds of a parent's responsibility", she was quoted saying, "to be able to consent to medical treatment for and on behalf of their child. There are however certain procedures, referred to in the authorities as 'special medical procedures', that fall beyond that responsibility and require determination by the court" (Family Court of Australia, 2013: 5, para.7). However, the judge herself authorised Stage 1 because it was 'in the best interests of Jamie', although she declined to order Stage 2 because he ('Jamie') didn't need it yet.

The parents appealed the decision disallowing their authority, and in 2013, the Court set aside the original judge's Order dismissing the parents' application. The Court also decided that no court approval was necessary for Stage 1 because 'the puberty blocking treatment was entirely reversible'. But Court approval was necessary for Stage 2 if the child was not capable of giving consent, because the effects were not reversible without surgery. However, if the child was capable of giving consent, Court approval was not necessary for this Stage either. At the same time, only a court can judge whether or not a child is 'Gillick competent': 'The question of whether a child is *Gillick* competent, even where the treating doctors and the parents agree, is a matter to be determined by the court' (Family Court of Australia, 2013: 38, para.140e. See also: Richards and Feehely, 2019: 100).

Nonetheless, this was a further step in the Family Court's dealings with children wanting medical 'treatment' that would supposedly turn them into the opposite sex. For the transgender lobby it was a step forward, for those concerned about what such

'treatment' was doing to perfectly healthy children's bodies it was a step backwards. Neither court authorisation for the procedure, nor a court hearing for 'Gillick competence', was necessary for puberty blockers; and all that was necessary for cross-sex hormones was for the court to decide whether or not the child was 'Gillick competent'. Court authorisation was still necessary if any of the parties, mainly parents, disagreed with the 'treatment:

> If there is a dispute between the parents, child and treating medical practitioners, or any of them, regarding the treatment and/or whether or not the child is *Gillick* competent, the court should make an assessment about whether to authorise stage two (Family Court of Australia, 2013: 38, para.140b).

In 2017 in *Re: Kelvin*, the Family Court took a further step in transgender's favour by deciding that there was no need for those wanting to subject a child to Stage 2 of transgender 'treatment' to apply to a court to decide whether or not the child was 'Gillick competent'. The application for a 16-year-old girl who wanted to be a boy was brought by her father, although both of her parents agreed. She was referred to by the Court as 'Kelvin', her femaleness acknowledged in pure trans-speak—'Kelvin was assigned female at birth' (Family Court of Australia, 2017: 5, para.24). The application was first heard in the Lower Court on 16 February 2017 (and amended on 25 August 2017), where the father had asked the Court to decide, either that 'Kelvin' was 'Gillick competent' to consent to the 'treatment', or that the Court authorised it. The Court found that she was competent but didn't authorise the 'treatment' to go ahead (p.6, paras.42-4).

The matter was then heard by the Full Court on 21 September 2017 (p.3), where two questions were addressed:

> Question 1: Does the Full Court confirm its decision in *Re: Jamie* … to the effect that Stage 2 treatment of a child for the condition of Gender Dysphoria … requires the court's authorisation … unless the child was *Gillick* competent to give informed consent? … Question 2: Where … [t]he child consents to the treatment; [t]he treating medical practitioners agree that the child is *Gillick* competent … and [t] he parents of the child do not object to the treatment, is it mandatory to apply to the Family Court for a determination whether the child is *Gillick* competent? (Family Court of Australia, 2017: 4-5).

The answer to both questions was 'no'. (There were another four questions, but because the answer to question 2 was 'no', there was no need to answer those questions). Subsequent to this decision, there was no need to apply to a court for decisions about 'Gillick competence' to undergo the first two stages of transgender 'treatment'. The child could be judged competent by the relevant medical professionals. This Court made no decision about Stage 3, about whether or not a minor child was competent to decide to undergo surgery. After this decision, and presumably as a result of it, clinicians at the clinic at the Children's Hospital at Westmead in Sydney, found that they were being pressured to provide cross-sex hormones to younger and younger children, some of them as young as 12 (Kozlowska et al, 2021. See also: Lane, 2022).

For a pro-transgender argument that the *Re: Kelvin* decision didn't go far enough in 'transforming the status of transgender children and young people in Australia', on

the grounds that it was 'not *about* transgender children or their rights; nor was it written *for* them', but rather gave the decision-making to 'agreement between their parents and their treating medical practitioners', see: Dimopoulos, 2021.

The omission of any decision about Stage 3 in *Re: Kelvin* was rectified the next year. In March 2018, in *Re: Matthew*, the Family Court declared:

> [t]hat … where *treating practitioners* have agreed that the subject child is *Gillick competent*, where it is agreed that the proposed treatment is therapeutic and where there is no controversy, no application to the Family Court is necessary before Stage 3 treatment for Gender Dysphoria can proceed (Family Court of Australia, 2019: para.1—emphasis added).

So decisions about whether or not a child was competent to decide to undergo such a life-changing procedure were left to medical practitioners who appear to have no qualms about removing the healthy body parts of the young.

The case involved another 16-year-old girl, given the pseudonym 'Matthew', who wanted a double mastectomy. Her parents had asked the Court to find that she was 'Gillick competent', and the Court went beyond what the parents had asked for and ruled that no application to court was necessary for Stage 3 (except in the case of conflict between the relevant parties) (Richards and Feehely, 2019: 100).

It is impossible to find out how many young people have subsequently had transgender surgery. Western Sydney University professor of paediatrics, John Whitehall, identified a handful of cases where the Court authorised double mastectomies for girls under 18—two of them only 15 (Lane, 2019). But these would be cases where there was 'conflict'—where one or both parents objected to their child being put through these procedures. In cases where there was no disagreement, the decision in *Re: Matthew* means that no court appearance is necessary, and they would not come to the attention of the Family Court. There is therefore no way of knowing how many young Australian women have lost their breasts to the transgender mandate.

For a brief pro-trans account of the Family Court's approach to the transgendering of children, see: Delaney Roberts, 2021;

for arguments that the pro-transgender decisions by the courts violate children's rights and constitute judicial child abuse, see: Jeffreys, 2004, 2006, 2014.

Information before the Court

In all these decisions, the Family Court was presented with an array of 'expertise', the vast majority of it pro-transgender (Jeffreys, 2004), especially from the gender clinic at the Children's Hospital in Melbourne. Among the intervenors in the *Re: Kelvin* case were the wholly trans-captured Australian Human Rights Commission, and the Melbourne Royal Children's Hospital, home of the largest children's 'gender' clinic in Australia. Another intervenor allowed to address the Court was A Gender Agenda Inc., a trans lobby group that claims 'to support the goals and needs of the intersex, transgender and gender diverse communities of Canberra and the surrounding region'. It is unlikely, however, that the group supports the many intersex people who strongly object to being used in the service of the transgender cause. The group

makes no claims to support lesbians, gays or bisexual people. Its acronym is 'TGD+I'.[7]

An intervenor is an individual or organisation who is not a party to a lawsuit but is given permission by the court to intervene on one side or other of the dispute. In the transgendering of children cases, there was almost no dispute, and what there was was ignored by the Court. There were no intervenors putting the case against the transgender mandate and for biological reality. As the decision in *Re: Kelvin* put it,

> The evidentiary context in which applications were heard subsequent to Nicholson CJ's judgment is … important in understanding how the law developed. It was assumed that the law required court authorisation for (relevantly) stage 2 treatment and *there was an absence of contradictory argument and contrary evidence placed before the Court* accordingly. Thus, whatever reservations were held by judges or concerns for the expense and stress that court authorisation required, decisions were given accordingly and those decisions in turn gave shape to the decision in *Re Jamie* (Family Court of Australia, 2017: para.142—emphasis added).

In other words, the law developed in the way it did because it listened only to pro-transgender arguments.

As well as these intervenors, the Court in *Re: Kelvin* cited DSM5, WPATH Version 7, the 2009 Endocrine Society Treatment Guidelines, and a number of publications by the Dutch team, as more of 'the facts set out in the case' (Family Court of Australia, 2017: paras.7, 57). They also heard an affidavit from 'Associate Professor Telfer', who assured their Honours that 'Australia's specific guidelines for the standards of care and treatment for transgender and gender diverse children and adolescents' would be available soon (paras.9, 57, 89). In every case where the Family Court has had to make a decision about transgender 'treatment' of children,

> the decision has been informed by comprehensive evidence from a miscellany of medical specialists from different disciplines (for example, psychiatry, psychology, paediatrics, and endocrinology) … That evidence has revealed, without exception, a careful, comprehensive and considered medical/psychiatric assessment involving multiple disciplines … The stated question can and should be answered by considering whether it is appropriate to now depart from *Re Jamie* in order that the law effectively reflects the current state of medical knowledge (Family Court of Australia, 2017: para.118, 177).

There was one intervenor (unidentified) who expressed some doubts about the validity of the documents the Court relied on (in para.57). The report of the decision in *Re: Kelvin* said that this intervenor had argued that

> [t]he provenance of many of the documents was unclear, the qualifications and expertise of the authors of most of the documents had not been established, and none of the authors had been the subject of cross-examination before the primary judge, or at all (Family Court of Australia, 2017: para.113).

The Court, however, ignored what this intervenor had to say. Their minds were already made up and they weren't going to change them:

[7] https://genderrights.org.au/

> We accept though that all relevant and necessary information that might be drawn from those documents is before us in the stated facts, and we do not propose to draw any further inferences (Family Court of Australia, 2017: para.114).

Moreover, it was not true that 'there was an absence of contradictory argument and contrary evidence placed before the Court'. One of the publications seen by the Court was highly critical of the transgender 'treatment' of children in general, and the decisions of the Family Court in particular (Whitehall, 2017). The article gives brief summaries of some of those decisions, noting the omission of certain relevant facts, in particular the effects of puberty blockers and cross-sex hormones on the brain and the relevance that might have for the question of informed consent.

What the Court did not know, or did not care to know, was that the transgender strategies of censorship, cancellation and the silencing of dissent have been enormously successful in structuring the discourse around transgender. As clinical psychologist Dr Sandra Pertot was quoted saying, "When all dissent is shut down, it is easy to make the case that 'the science is settled'." (Lane, 2023).

However, it would seem that the Court is starting to be more open to at least hearing evidence challenging the transgender narrative. In 2020, a Family Court judge allowed the mother of a boy claiming to be a girl, 'Imogen', to bring to the Court evidence from a psychiatrist who didn't agree that gender clinic medical treatments were either safe for the child or of any benefit to him. Former Family Court chief justice, Diana Bryant, was quoted saying that she believed it was the first time the Court had agreed to hear expert evidence critical of pro-trans 'treatment'. The Court also heard from 'an unidentified watchdog group of international health and medical practitioners', who told the Court that "[n]either courts nor parents should approve non-therapeutic (gender clinic) treatment likely to result in infertility and other long-term harm on behalf of a child lacking capacity to consent" (Lane, 2020—original interpolation). The Court, however, remained unconvinced. The group of critical experts were not allowed to join the case, and the Court permitted the cross-sex hormone stage of the 'treatment' to go ahead (Family Court of Australia, 2020).

The Family Court of Australia frequently gets it wrong in relation to child custody cases too. For discussions of the Family Court's bias towards fathers even when they are abusive, especially since the passing of the 1995 Family Law Reform Act, with its insertion of a children's 'right' to know and be cared for by both parents, and their 'right' of regular contact with both parents, see: Rathus et al, 2019; Rendall and Rathus, 2000; Rhoades et al, 2001.

Trauma and social conditions

Critics of these Family Court decisions have pointed out that many if not most of the children claiming to be the opposite sex had childhood histories of trauma. 'Protestations by a child that it belonged to the opposite sex', said the Professor of Paediatrics mentioned above, 'used to be a warning sign of sexual abuse' (Whitehall, 2017). In the case of 'Alex', there were a number of indications that her desire to be a 'boy' was the result of events in her early childhood. She was very close to her father who had treated her like a boy (teaching her to pee standing up) and who had died when she was five years old. She was rejected by her mother (who was afraid of her aggression against her younger siblings), and she had a fraught relationship with an

uncle who lived with them, that may have involved sexual abuse (Kissane, 2009b). There were also signs that she might have been a lesbian, although Alex vehemently denied that. But as Jeffreys pointed out, 'Rejection, and even adamant rejection, by a young teenager of the idea that she is a lesbian is quite to be expected in a homophobic culture' (Jeffreys, 2006).

Despite all the evidence of emotional trauma, all the experts consulted by the Court in 'Alex's case agreed that counselling would not help solve her problems. Nonetheless, as one commentator asked in relation to the situations of 'Alex' and 'Brodie', 'has the Family Court ever been asked to authorise sex-altering treatments for a child from an intact, loving family, a child with no history of emotional neglect or abuse? What is it that is really being treated here?' (Kissane, 2009b).

For a list of all the court cases involving minors up to 2019, not all of them trans, see: Richards and Feehely, 2019: 98ff, Appendix 4, 'Cases regarding medical procedures for minors'.

Other courts

The Family Court is not the only legal institution to have succumbed to the transgender lure. In 2020, a Children's Court magistrate found that the parents of a 17-year-old girl who wanted to be a boy were abusive and neglectful because they were refusing to allow her to take cross-sex hormones. Because of this supposed 'abuse and neglect', the magistrate ordered that the girl be removed from her parents and taken into care, the first case of this kind in Australia.

The parents appealed to the Supreme Court of Western Australia to have the abuse and neglect findings against them overturned (Lane, 2021). In September 2021, the Court ruled against the parents. According to the transgender mouthpiece, *Star Observer*, the parents had appealed to regain custody: 'The parents lost their appeal to regain custody' (Lanera, 2021). But this is unlikely for two reasons: the girl was soon to turn 18 anyway, when the question of custody would become irrelevant; and according to another report, the parents' chief concern was that they had been legally judged to be 'abusive and neglectful' of their daughter. As her father was quoted saying: "We were found unjustly guilty of future potential mental health abuse, should the government let our daughter come back to us, because (the gender clinicians) think she would be emotionally damaged if we do not allow her to use hormones to destroy her health and fertility" (Lane, 2021).

Then there's the Federal Court justice who ordered a woman (Sall Grover) who created a female-only social media platform ('Giggle for Girls') to pay the costs of the transgender man who was suing her for discrimination because she refused to allow him to join (AAP, 2023). The man, 'Roxanne Tickle', had complained to the AHRC in December 2021 that he was being discriminated against "because I am a transgender woman". "I am legally permitted to identify as female", he said, and the law would seem to agree with him. Although the case had not been finally decided at the time of writing, the AHRC had accepted his complaint, and the Federal Court had already penalised Sall.

The UK

UK governments of every political stripe have been, until fairly recently, staunch supporters of the transgender agenda. The *Gender Recognition Act 2004* was passed by

the Blair Labour Government, while the various 'action plans', surveys and 'consultations' over the years have been introduced by the Tories and, at one point, by a Tory/Liberal Democrat coalition. However, this initial enthusiasm waned once the government started listening to women, and to date (November 2023) the law had not been changed to allow self-identification.

The Gender Recognition Act

The *Gender Recognition Act* (GRA) was passed in 2004, although this was not the first time the UK government had legislated in favour of 'gender reassignment'. 'Discrimination on the grounds of gender reassignment' was included in the *Sex Discrimination Act 1975* on the first of May 1999, although the wording of that addition was retrospectively included in earlier versions of the Act, at least from the first of February 1991.[8] The 1975 (and now repealed) Act said that

> A person ("A") discriminates against another person ("B") … if he treats B less favourably than he treats … other persons, and does so on the ground that B intends to undergo, is undergoing or has undergone gender reassignment (etc.) (Section 2A(1)(2)(3)(4)(5)).

So persons with the characteristic of 'gender reassignment' were already protected from discrimination five years before the GRA.

However, the 2004 GRA goes further. It is described in the 'Introduction' as 'An Act to make provision for and in connection with change of gender'. It makes provision for a Gender Recognition Certificate (GRC):

> A person of either gender[9] who is aged at least 18 may make an application for a gender recognition certificate on the basis of—(a) living in the other gender … Where a full gender recognition certificate is issued to a person, the person's gender becomes for all purposes the acquired gender (so that, if the acquired gender is the male gender, the person's sex becomes that of a man and, if it is the female gender, the person's sex becomes that of a woman) (Sections 1(1)(a), 9(1)).[10]

As the Ministerial Foreword put it in the report of the government's 2018 consultation about 'reforming' the Act, the GRA 'allows an individual to get their gender legally recognised, giving them access to the legal rights of the gender they identify with and a new birth certificate issued in that gender' (UK Government, 2018b: 2). Strictly speaking though, what is changed on someone's birth certificate is their *sex*, not their *gender*. It is sex that is recorded on birth certificates, not 'gender' (whatever that is). At least the law only applies to adults ('A person … aged at least 18'). Thankfully, here is no provision for minors to get a GRC, although that is one of the 'reforms' the trans lobby is agitating for.

A GRC enables sex to be changed for all legal purposes. The applicant must provide two medical reports, one as evidence of a diagnosis of gender dysphoria and the other giving details of any treatment, documentation showing that they have lived as their

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[8] https://www.legislation.gov.uk/ukpga/1975/65/1991-02-01

[9] Clearly at that stage the UK government was still stuck in the binary mode of two sexes ('gender'), not having caught up with the 'fluidity', 'non-binary' notions, or perhaps transgender hadn't developed them at that stage.

[10] https://www.legislation.gov.uk/ukpga/2004/7/contents/enacted

preferred sex for at least two years, and a statutory declaration that they intend to live as that sex until death. They must also get the consent of their spouse if they are married, or end their marriage (UK Government, 2018b: 11, para.7). There are also costs involved: an application fee of £140; and costs to get the medical reports and a witness to the statutory declaration. There are also concerns about privacy (pp.37-40). However, one thing the Act does *not* require is any particular form of medical treatment, including surgery. Thus a man with fully intact genitals can get a GRC that says he's a 'woman'. And yet between 2004 when the Act was passed, and 2018 when the government released its report of the consultation, only 4,910 people got a GRC, 73% of them men, and 27%, women, with the numbers of women increasing over the years (p.20). As of June 2020, 5,677 GRCs had been granted (UK Women and Equalities Committee, 2021: 27, para.76).

The reason why so few 'trans people' applied for a GRC is probably because self-id was already standard operating procedure, certainly at the NHS as well as elsewhere. In 2007, the data-management section of the NHS was advised that 'staff should treat individuals whose self assigned gender is different from that assigned at birth *as if* they had Full Gender Recognition under the Act' (emphasis added). Information about 'their phenotypical sex', i.e. their actual sex, could be kept as well, but it should be 'subject to access restrictions' because it was 'sensitive' (NHS, 2007: 6 of 14). As one commentator put it:

> In theory, the law still allows that only those who meet specific requirements are granted the right to legally change their sex. And they still number around 5000, surprisingly. But in practice, UK institutions have one by one responded submissively, "ahead of the law" by capitulating to all gender self-declarations, without exception. All affirming such declarations to be as unassailable as they are unverifiable (Harper-Wright, 2018).

The UK GRA followed on from a decision by the European Court of Human Rights[11] on 11 July 2002. The Court ruled that the UK government had violated the rights of a transgender man, Christine Goodwin, by refusing to give legal recognition to his 'change' of sex. The rights the UK government had violated (according to the Court) were Article 8 of the European Convention on Human Rights—'right to respect for private and family life'—and Article 12—'the right to marry' (ECHR, 2002a, b, 1970. See also: Norman, 2018; UK Government, 2018b: para.5). This is despite the fact that he had already been married and fathered four children (ECHR, 2002a).

This decision of the European Court was not a victory for the self-id lobby. Nor was it exactly a precedent for the UK GRA. The reference throughout was to 'post-operative transsexuals'. '[I]t is the lack of legal recognition of the gender re-assignment of post-operative transsexuals', the Court said, 'which lies at the heart of the complaints in this application' (ECHR, 2002a: para.120). This restricted focus was ignored, and the GRA had no 'post-operative' requirement for 'gender reassignment' and the granting of a GRC.

[11] Is it significant that the European Court of Human Rights is still called Cour Européenne des Droits de l'Homme, i.e. the rights of *man*?

Unquestioning commitment to the trans agenda continued for a while, despite the change in government. In 2010, the Equalities Office in a Tory-Liberal Democrat coalition administration issued a brief 'LGBT work plan'. This promised all sorts of positive actions 'to tackle outdated prejudices and ensure equal chances for everyone, whatever their sexual orientation or gender identity', as well as the publication of 'an action plan' later in the year (UK Government, 2010b: 1). It was, that later action plan said, 'the first ever cross government work plan on LGB&T rights' (UK Government, 2011a). Both are fine examples of the piggybacking strategy (see the 'Piggybacking' chapter), the constituency supposedly requiring the 'rights' being consistently referred to as 'LGB&T'. Later in the same year, however, 'transgender people, from transsexual to non-gendered' got an 'equality action plan' all to themselves (UK Government, 2011b: 5). Still, in 2021 the Women and Equalities Committee expressed some concern that 'the Government Equalities Office appears to have abandoned the LGBT Action Plan' (UK Women and Equalities Committee, 2021: 4).

Numbers

As for how many British citizens required such devoted attention from the government, estimates vary. The category of 'post-operative transsexuals' estimated by the European Court of Human Rights included only 'some 2,000-5,000 persons in the United Kingdom' (ECHR, 2002a: para.87), and so they believed that allowing (male) post-operative transsexuals to be legally recognised as 'female' wouldn't have much effect on the rest of society. The Court said,

> No concrete or substantial hardship or detriment to the public interest has indeed been demonstrated as likely to flow from any change to the status of transsexuals and, as regards other possible consequences, the Court considers that society may reasonably be expected to tolerate a certain inconvenience to enable individuals to live in dignity and worth in accordance with the sexual identity chosen by them at great personal cost (ECHR, 2002a: para.91).

But then, the Court had no knowledge of the push to self-id, which has resulted in an exponential increase in the numbers of people claiming to be the opposite sex ('gender') (Norman, 2018).

By 2018, the UK government was estimating that there were 'approximately 200,000-500,000 trans people in the UK' (UK Government Equalities Office, 2018. See also: Hurfurt, 2019). An earlier 2016 report from the Women and Equalities Committee had noted that the number of people who 'are "likely to be gender incongruent to some degree"' was 650,000 (UK Women and Equalities Committee, 2016: 6). However, this was wishful thinking. The sources cited for this figure were both written by the same person, who was the CEO of the trans lobby group, GIRES (Gender Identity Research and Education Service) (Reed, 2015a, b).

Given the results of the 2021 UK Census, the government was being optimistic in its predilection for the transgender cause. Whatever the true figure (if the word 'true' can be used in a context based on a falsehood), there are certainly more people identifying as 'transgender' than the '2,000-5,000 persons' estimated by the European Court of Human Rights in 2002. Whether or not that figure will keep increasing—and the rising tide of resistance to the trans agenda suggests that it might not—it is still much larger than the figure the Court relied on in its ruling in the case of Christine Goodwin.

However, it is highly unlikely that all of these transgender-identified persons are (male-to-'female') post-operative transsexuals like those addressed in the ECHR ruling. These 'old-style' transsexuals have been around since at least the middle of the twentieth century without causing any 'detriment to the public interest', or at least, not to the malestream public interest. As Janice Raymond (1980) pointed out, by the 1970s and the rise of 'second wave' feminism, male transsexuals were already intruding into lesbian-only spaces (Raymond, 1980: 99-119). The detriment to mainstream public interest comes with the self-id movement, with society's acquiescence in the demand of men with fully intact male genitals to be recognised as 'women'. Even though the law in the UK has not fully acquiesced in this demand, it has been accepted throughout society.

'Reform'

Nonetheless, the transgender lobby still complain, through one of their mouthpieces in government, that the requirements of the GRA are 'intrusive, costly, humiliating and administratively burdensome' (UK Government, 2018b: 2), and they want it changed ('reformed') to a self-id model. '[W]e were told by witnesses', the report of the 2016 Women and Equalities Committee inquiry, 'that [the GRA] was now "outdated" and "in need of significant revision"'. All of these 'witnesses' were trans individuals or lobby groups: Scottish Transgender Alliance; three trans women claiming to be 'men'; and UK Trans Info. 'More recent gender-recognition legislation in several countries', the Committee went on to say, 'is widely regarded as providing a more enlightened model for the UK to follow' (UK Women and Equalities Committee, 2016: 11).

Convinced by the trans complaints, the Women and Equalities Committee devoted its first inquiry in July 2015, to a range of issues relating to 'equality and the trans community' (UK Women and Equalities Committee, 2016: 6). All of these issues (listed on p.89) were based on the unquestioned assumption that '[h]igh levels of transphobia are experienced by individuals on a daily basis … with serious results' (p.3). This stance on the part of the Committee is not surprising, given who they consulted, including the trans lobby groups, Press for Change and Stonewall, before the inquiry even began (and given, too, how successful the transgender agenda is at corrupting people's thinking processes).

Despite the fact that the inquiry was held by a Committee for *Women* and Equalities, there was no person-to-person discussion with women's rights campaigners. Between 8 September and 5 November 2015, the Committee held weekly discussions with 'witnesses', most of whom were transgender lobbyists (UK Women and Equalities Committee, 2016: 91). Some of the over 200 submissions were from individuals and organisations who pointed out the detrimental effects for women, and not incidentally, for children too, of giving precedence to 'gender identity' over sex in legislation. Both Sheila Jeffreys and Stephanie Davies-Arai made submissions to the inquiry and both were ignored, as was Miranda Yardley, the transsexual man who doesn't call himself a 'woman' and who insists that most 'transsexual women' are heterosexual men. The Lesbian Rights Group's submission was also ignored, as were the submissions of the Radical Feminist Legal Support Network, Scottish Women Against Pornography, and the Women & Girls Equality Network. On the other hand, Susie Green from Mermaids was quoted at length three times, Stonewall five times,

Terry Reed from GIRES was quoted four times and both GIRES and Mermaids were quoted ten times each.

For a discussion of this report, which she calls the 'Trans Inquiry Report', in Kathleen Stock's talk to the House of Lords, see: Stock, 2018 (although this text is no longer available on the internet, possibly because of the Medium site's censorship of trans critical texts—see the 'Censorship' section of the 'Strategies' chapter).

Given this bias, it is hardly surprising that the Committee recommended that the government 'make a clear commitment to abide by the Yogyakarta Principles', 'update the Gender Recognition Act, in line with the principles of gender self-declaration', and change 'gender reassignment' in the 2010 Equality Act to 'gender identity'. Most pernicious of all, the Committee recommended that '[t]he Equality and Human Rights Commission must be able to investigate complaints of discrimination raised by children and adolescents *without* the requirement to have *their parents' consent* (UK Women and Equalities Committee, 2016: 79-81—emphasis added).

In July 2017, the Government Equalities Office held a 12-week national online 'LGBT' survey 'in order to develop a better understanding of the lived experiences of lesbian, gay, bisexual and transgender people, and people who identify as having any other minority sexual orientation or gender identity, or as intersex' (UK Government, 2018a: 4). The Women and Equalities Committee report was briefly mentioned, as having found that 'the process required for obtaining a Gender Recognition Certificate puts trans people off applying for one' (UK Government, 2018a: 212-13).

Also in 2018, the UK government produced a proposal for a consultation on ways to 'reform' the GRA. According to the 2021 report from the Women and Equalities Committee, the consultation received 102,818 valid responses (UK Women and Equalities Committee, 2021: 11, para.20). The previous survey, the Ministerial Foreword to the consultation proposal said,

> has shown us that … [t]rans people continue to face significant barriers to full participation in public life. Reported hate crime is rising. Reported self-harm and suicide rates, particularly amongst young trans people, are extremely concerning. Trans people continue to face discrimination and stigma, in employment and in the provision of public services (UK Government, 2018b: 2).

None of this is true. Leaving aside the fact that 'trans' is a mythical construct anyway, what is reported as 'hate' is merely disagreement (e.g. 'trans women' are men); the suicide rates are wildly exaggerated and the self-harm doesn't diminish after 'transition'; they are less likely to be murdered than people who don't claim to be 'trans' and not because they're 'trans' anyway; and the only 'discrimination and stigma' they face is people exercising their right to disagree that they are the sex ('gender') they say they are when it's obvious they're not. Nonetheless, the government was 'persuaded by these [transgender] arguments' about the burdensome nature of the process for applying for a GRC (UK Government, 2018b: 21, para.26).

For the write-up of the consultation, see: King et al, 2020.

However, this time the government was prepared to listen to women. 'We particularly want to hear from women's groups', they said, 'who we know have expressed some concerns about the implications of our proposals' (UK Government, 2018b: 2). And

it would seem that this had some influence on the government's approach to GRA 'reform'. Although none of the consultation's 22 questions is addressed to women or women's groups concerned about the proposed 'reforms', by the time the Women and Equalities Committee produced its third report at the end of 2021, the government had announced in September 2020 that it would not be making any changes to the GRA that would enable people to self-id as the opposite sex and change their birth certificates without a medical certificate (BBC, 2020).

The Women and Equalities Committee launched their own inquiry soon afterwards and found that the government was displaying reluctance to get involved. It had taken the Minister for Women and Equalities two years to respond to the 'findings' of the survey, and then the changes were minor: putting the application process online; reducing the fee to £5; and promising to open at least three new 'gender identity' clinics (UK Women and Equalities Committee, 2021: 3). Moreover, the relevant government Ministers refused to attend. '[T]he Minister for Women and Equalities', they said, 'declined our invitation, offering no reason, and forwarded it onto the Minister for Equalities … [who] also repeatedly declined our invitation'. The latter then passed them on to the then Minister for Prevention, Public Health and Primary Care at the Department of Health and Social Care, who said it had nothing to do with her portfolio, that it was a matter for the Government Equalities Office (UK Women and Equalities Committee, 2021: 22, para.62). Moreover, one of the former members of the Government's LGBT Advisory Panel 'accused the Government of creating "a hostile environment for LGBT people"' (p.23, para.65). The Equality and Human Rights Commission is also less than enthusiastic about GRA 'reform'. They considered that the current situation 'provide[d] the correct balanced legal framework that protects everyone'. They are, however, still committed to a belief in the existence of 'trans people' and their supposed 'rights': 'Our focus is on continuing to seek opportunities to use our powers to support litigation to protect trans people's rights' (UK EHRC, 2022).

Still, for the time being, and until the election of a Labour government, the Gender Recognition Act will remain as it is. But according to the government, even the minor changes, especially reducing the fee t2o £5, have meant a marked increase in numbers (although the way the government quotes the increase doesn't make much sense): 'there has been a 49% increase in GRC applications between July to September 2020 and July to September 2021; and a 72% increase in GRC applications between January to March 2021 and April to June 2021' (UK Government, 2022: para.8).

For critical feminist commentary on the failure to consult women about the proposed 'reform', see: Brunskell-Evans, 2020: chapter 3.1; Jones, 2018;

for the situation in Scotland, see: Davidson, 2019;

for reasons why 'reforming' the GRA by introducing self-id would be detrimental for women, see: Walsh and Sitwell, 2019;

for an employment tribunal decision that the (fictional) characteristics, 'non-binary' and 'gender fluid', are protected under the 'gender reassignment' category of the 2010 *Equality Act*, see: Wareham, 2020;

for reasons why the GRA should be abolished altogether, see: Yardley, 2018.

Equality Act 2010

Six years after the GRA became law, the government passed the *Equality Act 2010*. Its notion of 'gender reassignment' is defined as follows:

> A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex (UK Government Equalities Act (UK Government, 2010a: Part 2, Chapter 1, 7(1)).

The Explanatory Notes for the Act make clear that 'gender reassignment' need not include medical treatment.[12]

There are exemptions that allow women-only services to exclude males, and these 'can prevent, limit or modify trans people's access to the service … whether the person has a Gender Recognition Certificate or not'.[13] However, the exclusion has to be 'a proportionate means of achieving a legitimate aim'. Hence it has to be justified, most likely in a court of law, because transgender men react badly to being excluded and the law is on their side.

But whether or not they get taken to court, services are advised to prepare for the time when they will be obliged to show that their exclusion of 'trans people' was a legitimate aim and effected by proportionate means. They are advised to 'identify potential solutions which minimise discriminatory effects', to 'consider how you can best meet the needs of future trans service users', to 'develop a policy for providing your service to trans people', to 'take steps to minimise the impact on trans people', to 'communicate your decisions', to 'explain to individual trans people who wish to access the service', etc.[14] Given that it would involve a great deal of trouble and possibly expense, it is hardly likely that services would bother to do any of this. For a store selling women's underwear, for example, it would be much easier just to let men claiming to be 'women' to get on with it, even if that alienates their female customers.

The government said in their 'reform' consultation proposal that, although they were 'interested in the relationship between the GRA and the Equality Act 2010', they were not going to amend the *Equality Act* (UK Government, 2018b: 12, para.10). Hence there was no intention to abide by the 2015 recommendation by the Women and Equalities Committee (and the trans lobby's demand), to allow for self-id or to change 'gender reassignment' in the *Equality Act 2010* to 'gender identity'.

The Reindorf report of the review of the policies and practices of the University of Essex pointed out that the university's 2015 Equality and Diversity Framework 'does not accurately state the law, since "gender identity or trans status" are not protected characteristics under the Equality Act 2010; rather, the protected characteristic is gender reassignment' (Reindorf, 2021: 62, para.226). The report did not say what the difference was, simply that the wording of the university's policy was not the wording of the Act.

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[12] https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/2/1/4

[13] https://www.equalityhumanrights.com/en/advice-and-guidance/separate-and-single-sex-service-providers-guide-equality-act-sex-and-gender

[14] https://www.equalityhumanrights.com/en/advice-and-guidance/gender-reassignment-provisions-equality-act

But institutions everywhere have already incorporated 'gender identity' as the characteristic they must protect against 'discrimination'. Stonewall was advising schools in 2015 that it was a 'legal requirement' that they allow students to 'to use the toilets and changing rooms of their self-identified gender rather than of their assigned sex' (although they subsequently changed that advice, when the single-sex exemptions of the Act were pointed out to them). (See the 'Trans in UK schools' section of the 'Transgendering the young 3' chapter).

The widespread influence of the transgender agenda is largely the result of the trans lobby's deliberate campaigns. Hundreds of organisations have signed up to Stonewall's 'Diversity Champions Programme', for example, ranging from government departments to universities, the volunteer sector, commercial enterprises, financial services, law firms, and arts, media and sports organisations.[15] (For a detailed account of this Programme, see the 'Diversity Champions Programme' section of the 'Strategies' chapter). Over and over again these organisations assert that the protected characteristic under the *Equality Act 2010* is 'gender identity', ignoring the actual 'gender reassignment' wording of the Act. But then, in 2020, an employment tribunal ruled that the Act also protects 'non-binary and gender fluid people', that they fall under the 'gender reassignment' category too (Reindorf, 2021: 47; Wareham, 2020). It is doubtful that changing the law would make any difference, given that self-id (as anything at all) already operates in practice throughout society.

For an allegation that, by ignoring the exemption provisions in the Act, the Equality and Human Rights Commission and the Government Equalities Office had been giving wrong advice to public bodies and businesses, see: Ames, 2020;

for an article alleging that the Scottish Prison Service policy was written by the trans lobby group, Scottish Trans Alliance, see: Sinclair, 2018.

Equal Treatment Bench Book

But while the UK legislature might so far have resisted complying fully with trans demands, the same cannot be said of the judiciary. The UK Judicial College issues an *Equal Treatment Bench Book*, which provides guidance for judges on 'fair treatment' of those who appear in courts, including 'transgender people'. It has a whole chapter devoted to 'transgender people' (chapter 12), and subscribes to the belief in 'people whose gender identity does not correspond to the gender assigned to them at birth, and who identify with the opposite gender' (UK Judicial College, 2023: 329).

It repeats all the familiar transgender furphies: sex is called 'gender' and is 'assigned at birth'; courts are enjoined 'to respect a person's gender identity by using appropriate terms of address, names and pronouns' (UK Judicial College, 2023: 532); there is a firm belief in 'transphobia' and that '[s]ocial isolation, social stigma and transphobia can have serious effects on trans people's mental and physical health' (pp.336, 533); and an 'acceptable terminology' section (pp.346-7) lists many of the transgender neologisms—'trans woman', 'trans man', 'gender fluid', 'non-binary', 'cisgender', 'deadnaming'—and requires the courts to use them: transgender people '*should* always be consulted about their preferred terminology' (p.346—emphasis added).

[15] https://sex-matters.org/campaigns/keeping-track-of-stonewall/ (viewed 13.10.2023).

Moreover, the courts must conceal the fact that an accused man who is claiming to be a 'woman' is actually a man—'A person's gender at birth or their transgender history should not be disclosed' (p.337). (The language is de-gendered but, as usual, it's all about men). There is a rider: 'unless it is necessary and relevant to the particular legal proceedings', e.g. debts in his 'dead name', divorce proceedings, or 'an offence of violence *against* that [transgender] person' (p.339—emphasis added). There is no mention of violence committed by the 'transgender person' himself. If we are not permitted to know that the person before the court is a man claiming to be a 'woman', then crimes committed by men are recorded as crimes committed by women. (See also: Finlay, 2019).

The advice about 'transgender people' in the Equal Treatment Bench Book would seem, at least on some occasions, to lead to leniency in the sentencing of sexual abusers of children if they claim to 'identify' as 'women'. In April 2021, there were three trials involving men convicted of sexually abusing children, two of whom received no custodial sentence despite the severity of their crimes. One had earlier been convicted and jailed for raping a five-year-old boy, under his original name of Matthew. After he was released from jail, he was found with sexualised drawings and prohibited images of children, and had tried to contact children online. For this, he received a community order and a Sexual Harm Prevention Order which he proceeded to breach five times. He was charged when the police found he had a mobile phone he hadn't declared. In the meantime he had changed his name to 'Alex' and was in the process of 'gender reassignment'. The District Court judge found his offence "really serious" and himself "a danger to children". But, she said, "I'm not going to send you to prison today … because you have very very complicated issues. You're currently undergoing gender reassignment". She added that she "would be very concerned about your safety". She regarded him as "very very very vulnerable" and said that "[t]hat's the only reason I am not sending you to prison" (ripx4nutmeg, 2021). The vulnerability of the children he was likely to offend against in the future—he had already shown that he would not abide by any court order to stay away from children—appears not to have occurred to the judge. Moreover, the fact that he had not complied with previous court orders should have meant an *increased* sentence, not leniency.[16]

Another child abuser, an 18-year-old man despite being called 'a teenage girl' in a newspaper report, was convicted of researching murdering babies and of downloading a video of a toddler being raped. He wasn't sent to jail either, although he was placed on the Sex Offenders Register for two years. Instead, he was given a Community Payback Order "because of exceptional circumstances involving mental health [sic] and various other reasons", none of which were specified (ripx4nutmeg, 2021). However, given that this was a young man masquerading as a 'girl', it was clear that one of those reasons, if not all of them, involved his 'transgender status'.

The third case involved a man calling himself 'Jessica', who sent sexual pictures to what he thought were children but who were actually people hunting people like him. He had also arranged to meet a child, but that turned out to be those same paedophile hunters. He did receive a jail sentence, of two years and 10 months (ripx4nutmeg,

[16] 'Commission of an offence while subject to a relevant court order makes the offence more serious' (https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/meeting-a-child-following-sexual-grooming/)

2021). It would seem, however, that UK courts are lenient towards all men convicted of possessing child sexual abuse images. According to one newspaper report, only 20% ever receive prison sentences (Dodd, 2023).

Courts captured by trans

But leniency towards transgendered men is not the only problem with the Judicial College's advice. While the *Bench Book* bends over backwards to accommodate 'fair treatment' for 'transgender persons' (i.e. men), women are treated with contempt.

Maria Maclachlan

For example, in April 2018 in a criminal trial for assault, District Judge Kenneth Grant at Hendon Magistrates' Court demanded that the woman who had been assaulted by one of these 'transgender people' refer to her attacker with feminine pronouns because he (the attacker) claimed to be a 'woman'. Maria MacLachlan (aged 60) had been attacked by this man, Tara Wolf (aged 26), at Speaker's Corner in London in September 2017, while she was waiting to attend a discussion on changes to the Gender Recognition Act. As well as Wolf's assault on MacLachlan, one of the other trans activists grabbed her camera and broke it by throwing it on the ground, many of the others chanted 'kill all TERFs' (Boyle, 2018), and Wolf had earlier posted a message on Facebook saying 'I want to f**k up some TERFS they are no better than FASH. (Fascists)' (Pearson-Jones, 2018).

These latter incidents were not part of the assault charge, but they do indicate who it was who was prone to violence. Although Wolf was found guilty and ordered to pay a total of £430 in fines and costs (Pearson-Jones, 2018), the judge had clearly taken to heart the *Bench Book*'s predilection for the transgender cause. He said to MacLachlan, "The defendant wished to be referred to as a woman, so perhaps you could refer to her as 'she' for the purpose of the proceedings". In fact, MacLachlan was unable to comply. "I'm used to thinking of this person who is a male as male", she said (Boyle, 2018), and she didn't want to lie under oath (Finlay, 2019). She tried to refer to him as 'the defendant' but that was too awkward and she kept reverting to the masculine pronoun (Moss, 2018).

The judge was not pleased. In his summing up he said: "When I asked Miss MacLachlan to refer to the defendant as she, she did so with bad grace. Having asked her to refer to Miss Wolf as she as a matter of courtesy, she continued to refer to Miss Wolf as he and him" (Pearson-Jones, 2018), and refused to award her compensation (Moss, 2018). MacLachlan said that her experience in the court was 'much worse than the assault':

> I was the one on trial that day and if it hadn't been for the clear video evidence that I'd been assaulted, my assailant wouldn't have been convicted, even though there were over a dozen witnesses who could have said what happened (Moss, 2018).

This is what the UK judiciary calls 'fair treatment'.

For further accounts of the court's treatment of Maria MacLachan, see: Egret, 2019; Hayton, 2020; Williams, 2018;

for transgender lies about the incident, see: Coulter, 2018.

Other examples

There are a number of other examples of court decisions in the UK that display the same favouritism towards the transgender cause. There was the summing up by Mr Justice Williams in the Preston Family Court, who was hearing an application by the local authority to withdraw care proceedings against two foster carers. The proceedings related to five children in their care, in particular to two boys, six-years-old and 13, who had supposedly 'decided' they were really girls (Williams, 2019). The judge agreed to withdraw the care plan because the experts consulted by the court and the local authority found nothing wrong with the parenting practices of the foster parents, which involved supporting the two boys' insistence that they were 'girls'. Two of those experts did express reservations about 'gender dysphoria'. One, a consultant paediatrician, said, 'there is evidence which suggests that a significant proportion of pre-pubertal children who display differences in gender identity revert to their biological gender in adolescence' (Williams, 2019: para.57(iv)). The other, an independent social worker, said that the foster parents 'presented as closed to the prospect of either [of the boys] reverting back [sic] to their assigned gender [sic]' (Williams, 2019: para.60(vi)).

The judge ignored these caveats. Instead, he preferred the pro-trans testimony of 'a chartered psychologist and gender specialist with 23 years of experience in conducting gender identity assessments in children and adolescents'. 'It is overwhelmingly obvious', the judge said in his summing up 'that neither [of the boys] have [sic] suffered or are [sic] at risk of suffering significant emotional harm arising from their complete social transition into females occurring at a very young age. The evidence demonstrates to the contrary, this was likely to minimise any harm or risk of harm' (Williams, 2019: para.75(iii). See also: Phillimore, 2021).

The fact that the testimony of this 'expert' was false escaped the judge's notice. She denied that children were 'likely to desist in their cross-gender identification', saying that those who did desist had been 'wrongly diagnosed'. She also denied that 'gender dysphoria is inherently associated with high rates of comorbid psychopathology' (Williams, 2019: para.58). But even GIDS admits that 'there seems to be a higher prevalence of autistic spectrum conditions … in clinically referred, gender dysphoric … adolescents than in the general adolescent population'.[17] Judges are not expected to do their own research, but unless they educate themselves on the transgender phenomenon, they are likely to get it wrong, at the expense of the children and young people caught up in that phenomenon.

Another example of transgender influence on courts in the UK is the decision of District Judge Margaret Dodd. She found Kate Scottow guilty of 'making use of a public communications network [i.e. Twitter] to cause annoyance, inconvenience, and anxiety' to a man claiming to be a 'woman' (called Stephanie Hayden). Scottow's offence was to use masculine pronouns to refer to him, causing him 'needless anxiety' (according to the judge), and to call him a 'pig in a wig' (Wright, 2020). This is, as the judge implied, unkind ('We teach our children to be kind', she said in sentencing Scottow) (Filia, 2020). But it is not clear why unkindness should be a matter for the courts (Roxburgh, 2020), even when it is directed towards a particular person, nor why she should pay the offended one compensation.

[17] https://gids.nhs.uk/evidence-base

Nor is it clear why it deserves a criminal record—the judge gave Scottow a two-year conditional discharge and ordered her to pay £1,000 in costs. That meant she had a criminal record and would be unlikely to be able to follow her chosen career as a forensic psychologist (Thomas, 2020. See also: Beckford, 2019; Hockaday, 2020). Moreover, Scottow's supposed 'offence' pales into insignificance in comparison with the way in which the trans mob uses Twitter against their opponents, up to and including threats of rape and death. The decision was overturned on appeal (see below), but Scottow was put to a great deal of trouble, anxiety and expense defending herself against a charge that should never have happened in the first place.

And then there was Judge Rupert Overbury of Ipswich Crown Court, who found it 'appalling' that there were no treatment programs for women who were paedophiles, when the person he was referring to was not a woman at all, but a man claiming to be a 'woman' (Hunt, 2016). He made this remark in sentencing 20-year-old 'Alice' Smith, 'who admitted downloading child porn, possessing prohibited images of children and possessing extreme pornography', according to the *East Anglian Daily Times*. It is not until the end of the newspaper article that we learn that this person before the court is a man and not a woman; and we only learn that indirectly when the person's defence counsel says, 'Smith lived in a rural area where there was not a very good understanding of *identity and transgender matters* which had resulted in her [sic] feeling excluded from the local community' (emphasis added). The fact that a judge can believe that a man is a woman just because he says he is, despite his typically male behaviour (the judge admitted that 'it was uncommon for women to commit this kind of crime'), speaks volumes for the power of the transgender agenda to corrupt the judicial process (and not only in the UK).

The official advice in the *Equal Treatment Bench Book* explains the bizarre behaviour of some of the British courts, e.g. telling a woman she must use feminine pronouns to refer to the man who assaulted her, or giving a woman a criminal conviction for 'unkindness' towards a man claiming to be a 'woman' and requiring her to pay costs and compensation, or bemoaning the fact that there were no treatment programs for women who were paedophiles as he sentenced a *man* claiming to be a 'woman' for possessing child pornography. That this behaviour is not even recognised as bizarre, worse, is compatible with official advice, compounds the problem.

Courts not captured by trans

Still, there are exceptions and the transgender agenda doesn't always get its own way. On 16 December 2020, Kate Scottow's conviction was overturned on appeal to the High Court, largely on the grounds of free speech. In conclusion the justices said, 'This appeal illustrates the need for decision-makers in the criminal justice system to have regard, in cases where they arise, to issues of freedom of speech' (Bean and Warby, 2020: para.56). The transcript of the hearing quotes all the relevant tweets (paras.7-9) and gives details of the original court hearing (paras.11-21).

As well, on 11 November 2020, the High Court had rejected another of Hayden's claims of being harassed (not by Kate Scottow this time, but Bronwen Dickenson) (Nicklin, 2020). The Court was not convinced that Dickenson's posts on Twitter and Facebook amounted to harassment. Although some of them were 'unpleasant' and undoubtedly upset Hayden, the judge said, 'most of it either falls comfortably within the width of freedom of expression or is puerile "name-calling"' (para.71). Moreover, most of the unpleasantness in Dickenson's tweets was a reaction to a Twitter user

(@ReporterLal) whose tweets in support of Hayden's cause the court said were 'nasty' and 'provocative' and 'seriously offensive' towards Dickenson (para.16), especially as they mentioned her son by name and the fact that he had cancer (Appendix 2).

For details of the relentless kind of harassment Hayden engages in, see: Nicklin, 2020.

Another High Court decision that resisted the transgender mandate occurred in August 2023. It prevented a 15-year-old girl from receiving private transgender 'treatment' until she was 16. Her parents were divorced, and it was her father who wanted her to get private 'treatment', because of the long NHS waiting times. Her mother wanted her to stay with the NHS because its approach was now more cautious with the new guidelines introduced as a result of the findings of the Cass report. She would prefer that her daughter didn't have the 'treatment' at all. She thought it was possible that it could give "short-term psychological benefits", but those presumed benefits "must be weighed against the long-term risks to bone health, fertility and other as-yet-unknown risks of lifelong hormonal supplementation". The Court also allowed her to publish details of the case, because she needed to raise money in a crowdfunding appeal so that she could return to court to get the interim order extended until the girl was 18 (Griffiths, 2023).

Another court decision that resisted the transgender edict occurred in Basildon Magistrates' Court in Essex. District Judge John Woollard dismissed a complaint of harassment, described as 'Britain's first transgender hate crime prosecution', after a one-day hearing, saying "There is no case and never was a case". The complaint was brought by Helen Islan, a married woman with a 'transgender' daughter (referred to as a 'son' in the newspaper article) (Manning and Walsh, 2019) and an activist with Mermaids. The accused was Miranda Yardley, a transsexual man who accepts that he is a man and refuses to call himself a woman.

The basis of the complaint was that Yardley had exposed Islan as the Twitter poster behind the pseudonym she was using in an 'increasingly aggressive' debate on 'self-id', and had outed one of Islan's children as 'transgender'. The court heard, however, that Islan herself had already publicly disclosed her child's 'transgender' status on numerous social media posts, including the fact that the child was taking puberty blockers and had come out at school. The judge said that, in order to show that there had been harassment, 'you have to show a course of conduct' and all the court had been shown was a single tweet. He also mentioned free speech and the need to take it into account. He ruled against the Crown Prosecution Service's application to prevent Islan's name being published, saying that reporting these matters was clearly in the public interest. He awarded costs to the defendant (Manning and Walsh, 2019; Yardley, 2019; Young, 2019).[18]

Another positive sign is the Crown Prosecution Service's dismissal of a complaint against Linda Bellos accusing her of using threatening, abusive or insulting words or behaviour. Venice Allan was a co-defendant, charged with an offence under the Communications Act 2003 because she had live-streamed a video of the event where Bellos had made her remarks. A man claiming to be a 'woman' (Giuliana Kendal) had

[18]https://www.youtube.com/watch?v=UmeNdlL_xqY&feature=youtu.be&fbclid=IwAR11J-s5v6aQNotmn3T8kfzuB4olwXcd-SyrDOUXWqfp4Oso0xJ3xZJqWAw

complained to the South Yorkshire Police that Bellos' remarks during a debate about the Gender Recognition Act in York on 8 November 2017 were 'threatening'. The police undertook a full investigation, including interviewing Bellos under caution. The remarks the transgender man found so threatening were:

> having borne two children I think I'm physiologically, and in many other senses, a female and a woman … But I play football and box, and if any one of those bastards comes near me I will take my glasses off and clock them. I take my glasses off and I can't see a bloody thing! (laughs) … I am quite prepared to threaten violence because it seems to me politically what they are seeking to do is piss on women (Maynard, 2018a).

While Bellos' words seemed on the surface to threaten violence, it is difficult to take them literally. It is hardly likely that a woman well past middle-age would have any chance against the young, fit males typical of transgender's shock troops. Bellos said that her remarks were about self-defence and a reaction to the attack on Maria MacLachlan. She was also not entirely serious. And indeed, the Crown Prosecution Service would seem to agree. They twice dropped the case against Bellos, once when the police themselves brought it, and again when the police took over the private prosecution brought by Kendal, who refused to accept the Crown Prosecutors' original decision (Anonymous, 2018; Collins, 2018; Maynard, 2018b).

Another example of (partial) judicial resistance to transgender demands was the decision by High Court Justice Julian Knowles in a judicial review of police policy in relation to 'non-crime hate incidents' in February 2020. The application for the review was brought by former police officer, Harry Miller, who had been questioned by police and told that what he was tweeting was being recorded as a 'non-crime hate incident' (NCHI). His judicial review questioned the legality of the *Hate Crime Operational Guidance* (HCOG) which advised the police to record NCHIs, arguing that it was 'in violation of the common law and/or Article 10 of the [European] Convention [on Human Rights]', as was his treatment by the police (UK High Court, 2020: para.16).

The judge found that the police had indeed overstepped the mark when they confronted Miller at his workplace and when they led him to believe that he could be prosecuted, and that the police action was unlawful interference with his right to freedom of expression. He also found that Miller's tweets were lawful, and referred to the complaint about them to the police (by 'Mrs B', a post-operative, i.e. castrated, man) as 'at times, at the outer margins of rationality' (UK High Court, 2020: para.280). However, he also ruled that it was not an interference with someone's rights for the police to record something the person had said as 'a non-crime hate incident' because '[t]he records created have no real consequence for him' (UK High Court, 2020: paras.237, 132); and he upheld the lawfulness of the College of Policing's guidance on hate incidents. He concluded that HCOG, 'to the extent that it involves interfering with the right of freedom of expression, does so in a manner that is prescribed by law for the purposes of Article 10(2)' of the European Convention on Human Rights. He was satisfied, he said, 'that the aims and objectives of HCOG justify the limitation it imposes on freedom of speech' (paras.210, 226).

So transgender-motivated police practice received a set-back on this occasion, despite the trans lobby's extraordinary success in indoctrinating police forces throughout the UK (see the 'Police in the UK' section). But 'transgender' remains one of the five

'strands of hate crime' monitored and recorded by the police (the other four being disability, race, religion and sexual orientation). Note that 'sex', much less 'female sex', is not included, although the HCOG also applies to '[h]ate crimes and non-crime incidents motivated by hostility [that are] committed against people who are targeted because of … [another] characteristic' (UK College of Policing, 2023: 1). Examples of other characteristics given in the earlier version are 'age, gender [sic] or lifestyle choice' (UK College of Policing, 2014: 15). 'Gender' presumably means 'female sex', but what crime against women committed by men is *not* motivated by hatred? (There was a proposal to include 'sex or gender' as a protected characteristic and 'misogyny' as a hate incident or crime, but the Law Commission advised the government against it, on the grounds that 'hate crime recognition would not be an effective solution to the very real problem of violence, abuse and harassment of women and girls in England and Wales, and may in fact be counterproductive in some respects') (UK Law Commission, 2021: 126, para.5.5).

However that may be, the judge in the above-mentioned judicial review made a comment that amounts to a recommendation to delete 'transgender' from the list of monitored strands of 'hate' (although that was not his intention). 'Vitally important though the purposes which HCOG serves undoubtedly are', he said, 'it does not require the police to leave common sense wholly out of account when deciding whether to record what is or is not a non-crime hate incident' (UK High Court, 2020: para.203). But accepting the basic premise of 'transgender', i.e. that men can be 'women', most assuredly leaves common sense wholly out of account. While HCOG's purposes may indeed be vitally important in the case of the other four strands, in the case of 'transgender' its purpose is corrupted in the service of an affront to common sense. The judge did not, however, make this connection. 'Transgender' was an already packaged category that he was not prepared to scrutinise. He was not concerned, he said, 'with the merits of the transgender debate … the legal status and rights of transgender people are a matter for Parliament and not the courts' (para.17). But if common sense is matter for the Court in one area (involving a silly story about 'a fat and bald straight non-trans man' who complained to the police that the abuse he received was 'based on hostility because of transgender') (para.203), then surely it's a matter for the Court in all areas. But no. Commitment to the transgender agenda requires the suspension, not only of common sense, but also of every last vestige of empirical knowledge of sexual differences.

Miller was not happy with Justice Knowles' refusal to find HCOG unlawful, especially the 'perception-based' section:

> At the time of reporting, the victim or person reporting does not have to justify or provide evidence of their perception that the crime was motivated by hostility. Officers and staff should not challenge this initial perception (UK College of Policing, 2023: 5).

In March 2021, he challenged it in the Court of Appeal, where the judge found that the police recording of non-crime hate incidents was indeed 'an interference with freedom of expression', and that it was 'likely to have a serious "chilling effect" on public debate' (UK Court of Appeal, 2021: para.73. See also: Lloyd, 2022).

The original source for the recommendation that all that was needed was the victim's perception, for the police to record that an incident or crime was motivated by hatred or hostility, was the inquiry into the racist murder of Stephen Lawrence in April 1993

(UK Court of Appeal, 2021: para.10). In the original source, the recommendation was included under the heading, 'Definition of racist incident', and said that it was, 'any incident which is perceived to be racist by the victim or any other person' (Macpherson, 1999: para.12). In that context it was thoroughly justified because of the appalling racist attitudes of the police who ignored or trivialised the perceptions of his parents and their supporters. In the context of 'transgender', relying on the perceptions of the complainant is thoroughly *un*justified. It is not only 'Mrs B's complaints that are 'at the outer margins of rationality'. It is the whole of the transgender project, and not just 'at times' either. Accepting that men can be 'women' dispenses with rationality altogether.

For discussions of this case, see: Middleton, 2020; Miller, 2019, 2021; Phillimore, 2023.

But whether or not those who are trans-critical win in the courts, the process is the punishment. Court cases require much time and energy to prepare for and attend, as well as creating anxiety and sleepless nights for the unwilling participants. They also require money. The cases brought before the courts by the transgender lobby, against those protesting the transgender hegemony, are what is known as 'SLAPP actions', i.e. 'strategic lawsuits against public participation' (Pring, 1989). The purpose is not to seek redress for any genuine hurt, but 'to silence and even punish the defendant for speaking out on a matter of public interest through a costly and lengthy legal battle'.[19]

Sarah Phillimore calls this 'LawFare', the 'warfare' waged by the trans lobby against those who dare to resist its mandate. She cited a tweet by 'We Are Fair Cop' which itemised the money spent by 'the loose collective of the "gender critical"', either defending their basic human rights to free speech, employment, freedom from harassment and bullying, etc., or defending themselves against trans lobby complaints brought to, *and accepted by*, the courts. 'We Are Fair Cop' estimated that over £3 million had been generated by crowdfunding campaigns up to September 2022 to pay for these legal defences. As Phillimore pointed out:

> What we have seen is the law deliberately manipulated by members of a minority ideology to enforce acceptance of "gender identity" as a protected characteristic, not merely alongside sex but in place of it. Dissent has been silenced and compliance enforced by the threat of loss of livelihood and even liberty (Phillimore, 2022).

This is the consequence of the kind of 'advice' that is recommended by 'transgender people' section of the UK's *Equal Treatment Bench Book*.

For some discussions of the situation in Canada, including provinces passing laws to allow children to be taken away from their parents if they (the parents) fail to support their child's 'gender identity', see: Carr, 2017; Holtvluwer, 2019; Keenan, 2019; Perse, 2021.

Bench Books in Australia

Australian state judiciaries also issue Bench Books, with guidance for the courts about 'the special requirements and disabilities of particular sections of the community' (NSW Judicial Commission, 2023: iii). These are, in the words of one eminent

[19] https://firstamendment.mtsu.edu/article/slapp-suits/

Australian KC, 'public documents that describe a collection of materials intended to improve the efficiency and delivery of justice in a court system. In other words, a benchbook is now a best-practice manual' (von Doussa, 2006).

Not all of these Bench Books have sections devoted to advice on how to make court appearances easier for 'transgender people'. The *South Australian Criminal Trials Bench Book*, for example, doesn't mention 'transgender people', and the 11 Bench Books produced by the Judicial College of Victoria contain no advice on the 'equal treatment' of 'transgender people'.[20] Moreover, the Victorian Law Reform Commission's advice on 'inclusive juries' refers only to 'people who are deaf, hard of hearing, blind or have low vision', and not to the 'inclusion' of 'trans people'.[21]

The Judicial College, however, is not unaware of the existence of 'transgender people'. For example, one version of its Sentencing Manual asserts that '"gender" [is not] limited to its traditional biological meaning', and that courts should take into account such factors as 'increased risk of harm in a specified facility, or the ability to access treatment' in relation to 'transgender offenders'.[22] The fourth (and later—2023) edition of the Sentencing Manual contains the statement: 'It may also be necessary to shorten a custodial term for a transgender woman [sic] who will have to serve her [sic] sentence in a men's prison where she [sic] will be at risk and under protection'.[23] So although the Victorian College hasn't yet got around to producing a 'transgender people' section in its Bench Books, the leniency shown to men claiming to be 'women'—recommending a lesser sentence to 'a transgender woman'—indicates that the Victorian judiciary too is sympathetic to the transgender cause. This is not surprising, given the enthusiasm with which the state government has embraced it. (See the 'Conversion therapy in Australia' section of the 'Piggybacking' chapter).

Both the Queensland and the NSW Bench Books, first released in 2006, contain detailed, separate sections devoted to 'transgender people', although that's not the terminology they use. The Queensland *Equal Treatment Benchbook* names the section 'gender identity and sexual orientation' (Queensland Supreme Court, 2016), while the NSW *Equality before the Law Bench Book* calls it 'Gender diverse people and people born with diverse sex characteristics' (NSW Judicial Commission, 2023). Clearly, both subscribe to the piggybacking strategy. Queensland links 'gender identity' with sexual orientation, while NSW links 'gender diverse people' with 'people born with diverse sex characteristics'. (The UK Bench Book doesn't indulge in the piggybacking strategy. Its sections on 'Sexual orientation' and 'Trans people' are entirely separate). Both simply reproduce the transgender agenda, which I have already discussed at length above in relation to the UK Bench Book.

[20] https://www.judicialcollege.vic.edu.au/bench-books/civil

[21] https://www.lawreform.vic.gov.au/publication/inclusive-juries-consultation-paper/8-possible-supports-to-enable-inclusive-juries/

[22] https://resources.judicialcollege.vic.edu.au/article/669236/section/843509

[23] https://resources.judicialcollege.vic.edu.au/article/669236/section/843599

The US

The US Equality Act

The US federal *Equality Act* is the US version of acceding to transgender demands to pass laws in their favour, although many states have passed their own laws, both for and against the transgender mandate.

For detailed discussions of the law situation in the US, including what is happening in individual states, see: the website of the Women's Liberation Front (WoLF).[24]

The drafters of the Act accepted the usual transgender lies about 'vulnerability', while embracing the transgender-mandated piggybacking strategy:

> Individuals who are LGBTQ, or are perceived to be LGBTQ, have been subjected to a history and pattern of persistent, widespread, and pervasive discrimination on the bases of sexual orientation and gender identity by both private sector and Federal, State, and local government actors, including in employment, housing, and public accommodations, and in programs and activities receiving Federal financial assistance. An explicit and comprehensive national solution is needed to address such discrimination, which has sometimes resulted in violence or death, including the full range of remedies available under the Civil Rights Act of 1964 (US Congress, 2019: 5-6, sec2(11)).

The Act is a proposed amendment to the *Civil Rights Act 1964* to include 'gender identity' (and sexual orientation) within the category of 'sex'. It was passed by the House of Representatives on 17 May 2019, but at the time of writing (December 2023), the Senate had not yet passed it, and hence it had not yet become law. Another piece of legislation, the *'Fairness for All' Act*, was introduced by religious groups soon after the *Equality Act* (Chart and Price, 2020). The later Act adds exemptions for religious organisations, but its similarity to the Equality Act means that the objections discussed below apply to it as well.

The original *Civil Rights Act* prohibited discrimination on the grounds of race, color, religion, sex[25] or national origin, in the areas of 'employment, housing, and public accommodations, and in programs and activities receiving Federal financial assistance'. 'Public accommodations' include places of 'exhibition, entertainment, recreation, exercise, amusement, public gathering, or public display', as well as 'service or care center, shelter … or establishment that provides health care'.

Title VII, sec.701A(b)(3) of both Acts says:

> 'it shall not be an unlawful employment practice for an employer to … employ employees … on the basis of his [sic] religion, sex *(including sexual orientation and gender identity)*, or national origin in those certain instances where [that criterion] is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, *if, in a situation in which sex is a bona fide occupational qualification, individuals are recognized as qualified in accordance with their gender identity* [The

[24] https://womensliberationfront.org/our-work

[25] The 1934 Act did not mention 'sex', only 'race, color, religion, or national origin'. 'Sex' was not included in the Act until 30 years later, in 1964, under Title VII relating to employment, and it meant 'women' (https://www.thoughtco.com/women-and-the-civil-rights-act-3529477).

> italics indicate the wording of the amendment, while the rest of the text is the 1964 Act] (US Congress, 2019).

Although the Act says that 'gender identity' is a subset of 'sex' ('The term "sex" includes … sexual orientation or gender identity'—US Congress, 2019: sec. 1101 (a)(4)(C), p.19), it is not. 'Gender identity' is the *opposite* of sex. The insertion of 'sex (including sexual orientation and gender identity)' wherever the 1964 amendment to the original *Civil Rights Act* simply says 'sex' (US Congress, 2019: passim) sets 'gender identity' in opposition to 'sex', and 'threatens to erase protections for women' (Chart and Nance, 2019).

The Act is quite blatant about this. It makes it unlawful for employers to refuse to hire men masquerading as 'women' for jobs for which being a woman is 'a bona fide occupational qualification' when those men claim a 'gender identity' as 'women'. Moreover, it states: '(with respect to gender identity) an individual shall not be denied access to a shared facility, including a restroom, a locker room, and a dressing room, that is in accordance with the individual's gender identity' (US Congress, 2019: sec.1101(b)(2)). Among the 'public accommodations' that are prohibited from discriminating against anyone on the grounds of their 'gender identity' are 'service or care center, shelter … establishment that provides health care' (sec.3(a)(4)). In other words, denying men masquerading as 'women' access to spaces reserved for women away from men, such as public toilets, refuges or rape crisis centres, would be illegal if this law was passed, as it already is in the states with similar legislation. Thus (male) 'gender identity' overrides (female) 'sex'.

This makes a nonsense of the 'sex' protections in the *Civil Rights Act*. The wording of the Act makes this perfectly clear: 'gender identity' is to be defined 'regardless of the individual's designated sex at birth' (US Congress, 2019: 20, sec.1101(a)(2)), i.e. a man's sex is to be disregarded when considering his 'gender identity', and a woman's sex is to be disregarded when a man is claiming a 'gender identity'. (It is men who are demanding entry into women's spaces, not the other way round). A person's (man's) sex is irrelevant in assessing what he is entitled to, only his 'gender identity' is to be taken into account.

The following real-life example illustrates what is involved (Chart and Nance, 2019). This was an incident at a college in Washington State, a incident typical of what has already been happening throughout the US, indeed throughout the world, as a result of including 'gender identity' in anti-discrimination legislation. A middle-aged man who called himself a 'woman', with his male genitals intact, stripped naked in the women's locker room. This 'shared facility' of swimming pool and changing room was also used by young girls for swimming training. One team of girls objected to his presence and reported him to their female coach who asked him to leave. But the college said he was permitted to use the women's change room because he was a 'woman', and demanded that the girls and their coach apologise to him.

The authors did not identify the legislation under which a naked middle-aged man could legally enter a women's change room, and which justified the college administration supporting him. But there is a Washington Law Against Discrimination which 'prohibits discrimination because of "gender expression or identity"', and 'at least five cities and one county in Washington have passed their

own laws prohibiting discrimination based on gender expression or identity'.[26] The legislation allowed, indeed required, the college to ignore the fact that the naked intruder was male, that the change room was supposedly reserved for females, and that his presence worried and frightened the girls and women. His 'gender identity' was all that mattered.

The Act's nonsense is compounded by the meaninglessness of the concept of 'gender identity'. The definition in the Act (preceding the 'regardless' phrase) says that it is 'the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual'. But this says no more than gender identity is gender identity. There is nothing in the wording of the Act that would enable a 'gender identity' to be identified. What is it that constitutes a gender-related appearance, mannerism or characteristic? How are they to be recognised? The law seems to assume that 'gender identity' is so easily recognisable it doesn't need defining. But this is highly unlikely, given the frequency with which a 'gender identified' individual is recognised as the sex they really are—the trans agenda even has a name for it: 'misgendering'. The only 'evidence' the college had that the man had a 'gender identity' as a 'woman' was that he said so, while the women and girls could see very clearly that he was a man. The legislation requires people to accept what some man says and ignore the evidence of their own eyes. The *Equality Act* (and similar legislation throughout the world) relies on a concept that has no meaning—except, of course, that it is a concept created by, for and about men at women's expense.

The feminist objection to the *Equality Act* (and similar legislation) is that it erases protections for women. This is correct. 'Sex' in practice means 'women'. It was added to the *Civil Rights Act* in 1964 because *women* were being discriminated against, not men. But objections raised against the legislation clearly had no influence on the House of Representatives (which at the time had a Democratic majority), despite representations by women from both sides of mainstream politics. In May 2019, a coalition of 46 concerned women wrote to the Speaker of the House, Nancy Pelosi, outlining a number of ways in which the Act was detrimental to women and girls. The *Equality Act*, they pointed out, would allow men to impinge on any number of women's rights and prerogatives It would allow males, with their greater physical strength, to compete against females in sport; it would allow males to claim they were qualified to compete with women for resources reserved for women, e.g. women-only scholarships. It would place women and girls in jeopardy by allowing men to parade naked in female change rooms, etc., and to share prison and shelter accommodation with women; and it would provide legislative support for the medical 'transitioning' of children and young people (Concerned Women, 2019). The majority in the House took no notice of these objections.

This was not the only occasion on which the US Congress was presented with arguments against the Act. In January 2020, three feminists from the UK were invited to the US by parents whose children were caught up in the transgender agenda and who had been able to find no left-wing organisation that would support them. The right-wing, Christian Heritage Foundation, to whom the same parents had also appealed, along with WoLF, arranged for them to talk to senators.[27]

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[26] https://www.aclu-wa.org/docs/rights-transgender-people-washington-state

[27] Posie Parker, 'I'm not the saint of GC feminism' (YouTube, 15 January 2020).

The *Equality Act*, and the transgender agenda more generally, has led to a coalition between left-wing feminists and right-wing Christian women. Writing on a right-wing political website (the left will not allow any criticism of transgenderism), two women, each representing one of the two sides of politics, described the Act as 'misnamed and insidious'. 'If the Equality Act passes', they said, 'a male who identifies as female will … be able to sue you for violating his civil rights if you persist in seeing him for the man that he is' (Chart and Nance, 2019). (For a discussion of this coalition, see the 'Feminism and the Right' chapter).

Belief in the 'vulnerability' of 'LGBTQ people' was not the only falsehood the Act's drafters subscribed to. In a preliminary section called 'Findings', the Act said:

> Numerous provisions of Federal law expressly prohibit discrimination on the basis of sex, and Federal agencies and courts have correctly interpreted these prohibitions on sex discrimination to include discrimination based on sexual orientation, gender identity, and sex stereotypes (US Congress, 2019: 6, sec.2(a)(12)).

It then goes on to state correctly that the Equal Employment Opportunity Commission (which was established under the 1934 *Civil Rights Act*) in particular has interpreted Title VII of the 1964 Act in this way in a number of cases.

But in fact, until the Supreme Court's decision in the *Bostock v. Clayton County* case in 2020, not all federal agencies agreed that Title VII included 'gender identity'. The Department of Justice, for example, issued a memorandum in 2017 saying that

> Title VII does not prohibit discrimination based on gender identity *per se* … Title VII expressly prohibits discrimination "because of … sex" and several other protected traits, but it does not refer to gender identity … Title VII's prohibition on sex discrimination encompasses discrimination between men and women but does not encompass discrimination based on gender identity *per se,* including transgender status (US DoJ, 2017).

However, this changed as a result of the *Bostock v. Clayton County* decision and the Biden administration's Executive Order 13988. The latter 'broadly applies Bostock's reasoning to the federal government's enforcement of other civil rights laws that similarly prohibit sex discrimination, including in housing and education'. 'This', the DoJ said, 'shifted the legal landscape and expanded our enforcement duties to reach more claims of discrimination involving gender identity and sexual orientation' (US DoJ, 2022: 34).

For a discussion of the Supreme Court's decision in the *Bostock v. Clayton County* case, where the Court ruled that 'sex' in Title VII of the *Civil Rights Act 1964* included both 'gender identity' and sexual orientation, see the 'US Supreme Court' section of the 'Piggybacking' chapter.

Conclusion

Law that is based on lies is bad law, and if the Holocaust taught us anything, it is that citizens have a responsibility to disobey bad law. 'Gender identity' is a lie. It means that someone has changed sex, either to the opposite sex or to no sex at all. But that is impossible. No one can change sex, and no one is without a sex.

Bad law mandates injustice. Examples in the transgender case include: preventing lesbians from publicly announcing their presence; demanding a woman use feminine

pronouns to refer to her male attacker and refusing her compensation because she couldn't; imposing punitive penalties on people who disagree that men can be women. That judiciaries everywhere have fallen for the 'gender identity' line is a sad commentary on the state of the law in Western supposedly 'democratic' societies. But then the law's spurious 'equality' means that it has never taken any notice of women anyway. That is why 'gender identity' has been slipped so easily into legislation. The fact that it has such deleterious consequence for women (and children) is something that rarely if ever crosses the minds of legislators focused on what men want. Transgender slipped so easily into the law, with no public consultation and no debate. Getting it out again will not be so easy, despite the excellent reasons for repealing it, all of which are readily available for anyone who cares to look. If the havoc transgender has wrought in the law is to be reversed, 'gender identity' has to go.

References

AAP (2023) 'Female-only app represented by Katherine Deves fails to throw out transgender discrimination suit' *The Guardian* 1 June – https://www.theguardian.com/media/2023/jun/01/female-only-app-giggle-for-girls-transgender-discrimination-suit-roxanne-tickle

AHRC (2023) 'Notice of decision on application for temporary exemption: Lesbian Action Group' *Australian Human Rights Commission* 12 October – https://humanrights.gov.au/sites/default/files/lesbian_action_group_exemption_decision_1_0.pdf

Ames, Jonathan (2020) 'Trans challenge over equality advice' *The Times* 7 September

Anonymous (2018) 'Gudrun Young successfully defends leading feminist & anti-racist campaigner Linda Bellos OBE in private prosecution' *2 Hare Court* 30 November – https://www.2harecourt.com/2018/11/30/gudrun-young-successfully-defends-leading-feminist-anti-racist-campaigner-linda-bellos-obe/

Australian Government (2013a) *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* – https://www.legislation.gov.au/Details/C2013A00098/Download

Australian Government (2013b) *Australian Government Guidelines on the Recognition of Sex and Gender* – https://www.ag.gov.au/Publications/Documents/AustralianGovernmentGuidelinesontheRecognitionofSexandGender/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.pdf

BBC (2020) 'Changes to gender recognition laws ruled out' *BBC News* 22 September – https://www.bbc.com/news/uk-politics-54246686

Bean, the Right Honourable Lord Justice and the Hon. Mr Justice Warby (2020) 'Scotow v the Crown Prosecution Service: Approved Judgment' *The High Court of Justice, Queen's Bench Division, Divisional Court* 16 December – https://www.judiciary.uk/wp-content/uploads/2020/12/Scottow-v-CPS-judgment-161220.pdf

Beckford, Martin (2019) 'Mother, 38, is arrested in front of her children and locked in a cell for seven HOURS after calling a transgender woman a man on Twitter' *Daily Mail* 10 February – https://www.dailymail.co.uk/news/article-6687123/Mother-arrested-children-calling-transgender-woman-man.html

Boyle, Darren (2018) 'Transgender activist "punched radical feminist who was filming her at Hyde Park protest because she thought she was trying to expose her gender identity online"' *MailOnline* 12 April –

https://www.dailymail.co.uk/news/article-5607919/Transgender-activist-battered-radical-feminist-Speakers-Corner-brawl.html

Brunskell-Evans, Heather (2020) *Transgender Body Politics* North Geelong, VIC and Mission Beach QLD: Spinifex Press

Carr, Grace (2017) 'Ontario makes disapproval of kid's gender choice potential child abuse' *Daily Caller* 5 June – https://dailycaller.com/2017/06/05/ontario-makes-disapproval-of-kids-gender-choice-child-abuse/

Chart, Natasha and Penny Nance (2019) 'Feminists, conservatives join forces to oppose "Equality Act"' *RealClearPolitics* 6 May– https://www.realclearpolitics.com/articles/2019/05/06/feminists_conservatives_join_forces_to_oppose_equality_act_140261.html

Chart, Natasha and Christen Price (2020) 'Agnostic radical feminist, evangelical attorney: Why we both oppose Equality Act, Fairness for All Act' *The Christian Post* 24 February – https://www.christianpost.com/voices/agnostic-radical-feminist-evangelical-attorney-why-we-both-oppose-equality-act-fairness-for-all-act.html

Collins, Jem (2018) 'Activist Linda Bellos faces trial over alleged threats to "thump" trans women' *Each Other* 27 September – https://eachother.org.uk/linda-bellos-faces-trial/

Concerned Women (2019) 'US Equality Act: gender identity impact summary' Women's Liberation Front/Hands across the Aisle/Concerned Women of America – https://concernedwomen.org/wp-content/uploads/2019/04/Equality-Act-HR5-2019-Summary.pdf

Coulter, Martin (2020) 'Transgender activist Tara Wolf fined £150 for assaulting "exclusionary" radical feminist in Hyde Park' *The Evening Standard* 13 April – https://www.standard.co.uk/news/crime/transgender-activist-tara-wolf-fined-150-for-assaulting-exclusionary-radical-feminist-in-hyde-park-a3813856.html

Davidson, Gina (2019b) 'Politicians urge Scottish Government not to "rush" gender change bill' *The Scotsman* 24 April – https://www.scotsman.com/news/politics/politicians-urge-scottish-government-not-to-rush-gender-change-bill-1-4913919

Delaney Roberts (2021) 'Transgender children and the Family Court' *Delaney Roberts Specialist Family Lawyers* March – https://delaneyrobertsfamilylawyers.com.au/transgender-children-and-the-family-court/

Dimopoulos, Georgina (2021) 'Rethinking *Re Kelvin*: a children's rights perspective on the "greatest advancement in transgender rights" for Australian children' *UNSW Law Journal* 44(2): pp.637-72 – https://www.unswlawjournal.unsw.edu.au/wp-content/uploads/2021/06/Issue-442-PDF-7-Dimopoulos.pdf

Dodd, Vikram (2023) 'Eight in 10 convicted in UK over child abuse images avoid prison, NCA says' *The Guardian* 14 December – https://www.theguardian.com/uk-news/2023/dec/13/eight-in-10-convicted-in-uk-over-child-abuse-images-avoid-prison-nca-says

ECHR (1970-2021) *European Convention on Human Rights* Strasbourg: Council of Europe, European Court of Human Rights – https://www.echr.coe.int/documents/d/echr/Convention_ENG

ECHR (2002a) *Case of Christine Goodwin v. the United Kingdom (Application no. 28957/95)* 11 July – https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-60596%22]}

ECHR (2002b) Christine Goodwin v. the United Kingdom [GC] - 28957/95 European Court of Human Rights, 11 July

Egret, Elsa (2019) 'Meet the experts training police in the UK on trans issues' *Uncommon Ground* 12 April – http://uncommongroundmedia.com/police-uk-trans-issues/

Family Court of Australia (2013) *Re: Jamie [2013] FamCAFC 110* – https://www.familylawexpress.com.au/family-law-decisions/appeal/re-jamie-2013-famcafc-110/

Family Court of Australia (2017) '*Re: Kelvin [2017] FamCAFC 258* (30 November 2017)' Family Court of Australia—Full Court – https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FamCAFC/2017/258.html

Family Court of Australia (2019) *Re: Matthew [2018] FamCA 161 (16 March 2018)* 25 January – http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FamCA/2018/161.html

Family Court of Australia (2020) *Imogen (No. 6) [2020] FamCA 761* (10 September) Family Court of Australia – http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FamCA/2020/761.html

Filia (2020) 'Legal update: Harry the Owl, Kate Scottow and Article 10' *Filia* 14 February – https://filia.org.uk/news/2020/2/14/legal-update-harry-owl-kate-scottow-article-10

Finlay, Karen (2019) 'UK courts ordered to address transgender defendants as the gender of their choice' *Women Are Human* 16 June – https://womenarehuman.com/uk-courts-ordered-to-address-transgender-defendants-as-the-gender-of-their-choice/

Griffiths, Sian (2023) 'Mother wins landmark court ruling to stop child having private trans treatment' *The Times* 22 October – https://t.co/w2iKZmLJjO

Harper-Wright, Anne (2018) 'Part 1: The "Single-Sex Hospital Wards" that have always been a lie' 17 October – https://medium.com/@anneharperwright/sex-gender-the-nhs-1e8f4e6363a6

Hayton, Debbie (2020) 'The inconvenient truth about transwomen' *UnHerd* 22 January – https://unherd.com/2020/01/scotlands-gender-recognition-act-is-a-hostage-to-fortune/

Hockaday, James (2020) 'Mum spared jail for calling trans woman "pig in a wig" on Twitter' *Metro* 14 February – https://metro.co.uk/2020/02/14/mum-spared-jail-calling-trans-woman-pig-wig-twitter-12241097/

Holtvluwer, Lucas (2019) 'B.C. judge rules 14 year old transgender teen can receive hormone injections despite father's objections' *The Post Millennial* 2 months ago – https://www.thepostmillennial.com/b-c-judge-rules-14-year-old-transgender-teen-can-receive-hormone-injections-despite-fathers-objections/

Hunt, Jane (2016) 'Judge criticises lack of specific treatment for women who download child porn after Ardleigh woman, 20, is found with 1,200 indecent images' *East Anglian Daily Times* 13 October – http://www.eadt.co.uk/news/judge_criticises_lack_of_specific_treatment_for_women_who_download_child_porn_after_ardleigh_woman_20_is_found_with_1_200_indecent_images_1_4733506

Hurfurt, Jake (2019) 'Transgender storm as men who self-identify as women are 'routinely' put on NHS hospital wards for females' *Daily Mail Australia* 11 January – https://www.dailymail.co.uk/news/article-6579807/Men-self-identify-women-routinely-NHS-hospital-wards-females.html

IGLYO (2019) Only Adults? Good Practices in Legal Gender Recognition for Youth: A Report On the Current State of Laws and NGO Advocacy in Eight Countries in Europe, with a Focus on Rights of Young People International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI) Youth & Student Organisation November – https://www.iglyo.com/wp-content/uploads/2019/11/IGLYO_v3-1.pdf

Jeffreys, Sheila (2004) 'Allowing Alex's sex change shows up a gender-biased Family Court' *Online Opinion* 23 April – http://www.onlineopinion.com.au/view.asp?article=2162

Jeffreys, Sheila (2006) 'Judicial child abuse: The family court of Australia, gender identity disorder, and the "Alex" case' *Women's Studies International Forum* 29(1): 1-12

Jeffreys, Sheila (2014) *Gender Hurts: A Feminist Analysis of the Politics of Transgenderism* London and New York: Routledge – https://www.docdroid.net/MCIzEYO/gender-hurts-sheila-jeffreys-pdf#page=3

Jones, Jane Clare (2018) 'Twitter, trans rights totalitarianism, and the erasure of sex' *Jane Clare Jones* 26 September – https://janeclarejones.com/2018/09/26/twitter-trans-rights-totalitarianism-and-the-erasure-of-sex/

Keenan, Jeremiah (2019) 'Father gagged, found guilty of "family violence" for calling his trans daughter a "she"' *The Federalist* 24 April – https://thefederalist.com/2019/04/24/father-gagged-found-guilty-family-violence-calling-trans-daughter/

King, Daniel, Carrie Paechter and Maranda Ridgway (2020) *Gender Recognition Act: Analysis of Consultation Responses* September, UK Government Equalities Office – https://assets.publishing.service.gov.uk/media/5f69ba7ee90e077f5b8be9cd/Analysis_of_responses_Gender_Recognition_Act.pdf

Kissane, Karen (2009a) 'Court lets girl, 17, remove breasts' *The Sydney Morning Herald* 4 May – https://www.smh.com.au/national/court-lets-girl-17-remove-breasts-20090503-arem.html

Kissane, Karen (2009b) 'Young people, big decisions' *The Sydney Morning Herald* 4 May – https://www.smh.com.au/national/young-people-big-decisions-20090503-arff.html

Kozlowska, Kasia, Georgia McClure, Catherine Chudleigh, Ann M. Maguire, Danielle Gessler, Stephen Scher and Geoffrey R. Ambler (2021) 'Australian children and adolescents with gender dysphoria: Clinical presentations and challenges experienced by a multidisciplinary team and gender service' *Human Systems: Therapy, Culture and Attachments* 1(1): 70-95 – https://journals.sagepub.com/doi/pdf/10.1177/26344041211010777

Lane, Bernard (2019) 'Ignore the wishes of transgender kids' parents, say psychologists' *The Australian* 2 October

Lane, Bernard (2020) 'Gender critics get day in court' *The Australian* 29 June

Lane, Bernard (2021) 'Parents argue caution on trans drugs cannot be judged "abuse"' *The Australian* 17 September –

https://www.theaustralian.com.au/nation/landmark-case-over-parents-resisting-trans-therapy-for-daughter/news-story/2107e6fc277b8e89ab492d9624bef2af

Lane, Bernard (2022) 'Fall of the Tavistock' *Gender Clinic News* 31 July – https://genderclinicnews.substack.com/p/fall-of-the-tavistock

Lane, Bernard (2023) 'Silencer' *Gender Clinic News* 3 October – https://www.genderclinicnews.com/p/silencer

Lanera, Emilio (2021) 'WA parents who "emotionally abused" trans child lose custody battle' *Star Observer* 23 October – https://www.starobserver.com.au/news/wa-parents-who-emotionally-abused-trans-child-lose-custody-battle/206549

Le Grand, Chip (2023a) 'Lesbian group seeks human rights exemption to exclude trans women from Melbourne event' *The Age* 31 August – https://www.theage.com.au/national/victoria/lesbian-group-seeks-human-rights-exemption-to-exclude-trans-women-from-melbourne-event-20230820-p5dxy8.html

Le Grand, Chip (2023b) 'Bid to exclude trans women from lesbian event sparks stand-off' *The Sydney Morning Herald* 14 September – https://www.smh.com.au/national/bid-to-exclude-trans-women-from-lesbian-event-sparks-stand-off-20230913-p5e4cm.html

Lloyd, James (2022) '*Miller v College of Policing*: social media, "non-crime hate incidents", and the right to freedom of expression' *Mountford Chambers* 7 March – https://www.mountfordchambers.com/miller-v-college-of-policing-social-media-non-crime-hate-incidents-and-the-right-to-freedom-of-expression/

Macpherson, Sir William (1999) *The Stephen Lawrence Inquiry* – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf

Manning, Sanchez and Joani Walsh (2019) 'Britain's first transgender hate crime trial is halted after one day as judge says "there is no case and never was a case"' *Daily Mail Australia* 3 March – https://www.dailymail.co.uk/news/article-6764763/Britains-transgender-hate-crime-trial-halted-one-day.html

Maynard, Lily (2018a) 'Linda Bellos and Venice Allan. A case to answer?' *Lily Maynard* 30 September – https://lilymaynard.com/linda-bellos-and-venice-allan-a-case-to-answer/

Maynard, Lily (2018b) 'Linda Bellos and Venice Allan. No case to answer!' *Lily Maynard* 3 December – https://lilymaynard.com/linda-bellos-and-venice-allan-no-case-to-answer/

Middleton, Joe (2020) '"Police were WRONG to check my thinking": businessman's "transphobic" tweets were LAWFUL and officers breached HIS rights by acting like "the STASI" and arriving at his work to quiz him about "hate incident", judge rules' *Mailonline* 14 February – https://www.dailymail.co.uk/news/article-8003907/Businessmans-transphobic-tweet-LAWFUL-High-Court-rules.html

Miller, Harry (2019) 'Harry Miller, a former police officer from Humberside, was investigated by police over a poem that he posted on Twitter' *Fair Cop* – https://www.faircop.org.uk/harry-miller

Miller, Harry (2021) 'The writing on the wall: the College of Policing's "theatre of hate"' *Savage Minds* 2 May – https://savageminds.substack.com/p/the-writing-on-the-wall

Mills, Eithne (2004) '*Re Alex*: adolescent gender identity disorder and the Family Court of Australia' *Deakin Law Review* 9(2) – http://classic.austlii.edu.au/au/journals/DeakinLawRw/2004/19.html

Moss, Julie (2018) 'Interview: Maria MacLachlan on the GRA and the aftermath of her assault at Speaker's Corner' *Feminist Current* 21 June – https://www.feministcurrent.com/2018/06/21/interview-maria-maclauchlan-gra-aftermath-assault-speakers-corner/

NHS (2007) 'Information Standards Board: approved minutes' 24 October – https://webarchive.nationalarchives.gov.uk/ukgwa/+/http:/www.isb.nhs.uk/about/meetings/2007/0710isbmins.pdf

Nicklin, The Honourable Mr Justice (2020) 'Hayden v Dickenson: Approved Judgment' *The High Court of Justice, Queen's Bench Division, Media & Communications List* 2 December – https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/QB/2020/3291.html&query=(title:(+hayden+)))

Norman, Julian (2018) 'Julian Norman in the House of Lords' *WomansPlaceUK* 10 October – https://womansplaceuk.org/julian-norman-in-house-of-lords/

NSW Judicial Commission (2023[2006]) *Equality before the Law: Bench Book* – https://jirs.judcom.nsw.gov.au/public/assets/benchbooks/equality/

Pearson-Jones, Bridie (2018) 'Transgender model who punched feminist and smashed her £120 camera in violent brawl at Hyde Park Speakers' Corner protest walks free from court' *MailOnline* 14 April – https://www.dailymail.co.uk/news/article-5613057/Model-punched-feminist-smashed-120-camera-violent-brawl-walks-free-court.html

Perse, Erin (2021) 'Father jailed for referring to biological female child as his daughter' *The Post Millennial* 17 March – https://thepostmillennial.com/rob-hoogland-canada-prisoner-of-conscience

Phillimore, Sarah (2021) 'The legal exception for greenlighting medical experimentation: children can't consent to this' *Savage Minds* 10 May – https://savageminds.substack.com/p/the-legal-exception-for-greenlighting

Phillimore, Sarah (2022) 'LawFare' *Sarah's Newsletter* 2 October – https://sarahphillimore.substack.com/p/lawfare

Phillimore, Sarah (2023) 'The long and winding road' *Fair Cop* 4 June – https://www.faircop.org.uk/the-long-and-winding-road/

Pring, George W. (1989) 'SLAPPs: Strategic Lawsuits against Public Participation' *Pace Environmental Law Review* 7(1), Article 11 – https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1535&context=pelr

Queensland Supreme Court (2016) *Equal Treatment Bench Book* Brisbane: Supreme Court Library Queensland – https://www.courts.qld.gov.au/__data/assets/pdf_file/0004/94054/s-etbb.pdf

Rathus, Zoe, Samantha Jeffries, Helena Menih and Rachael Field (2019) 'Review of Family Law System: submission to ALRC' *Australian Law Reform Commission* August – https://www.alrc.gov.au/wp-content/uploads/2019/08/family-law-_166._research_team_z_rathus_am_dr_s_jeffries_dr_h_menih_professor_r_field.pdf

Raymond, Janice (1980[1979]) *The Transsexual Empire* London: The Women's Press

Reed, Terry (2015a) 'Written evidence submitted by Terry Reed to the Transgender Equality Inquiry' Women and Equalities Committee, 18 July – http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/women-and-equalities-committee/transgender-equality/written/18922.pdf

Reed, Terry (2015b) 'Written evidence submitted by GIRES to the Transgender Equality Inquiry' Women and Equalities Committee – http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/women-and-equalities-committee/transgender-equality/written/19292.pdf

Reindorf, Akua (2020) Review of the circumstances resulting in and arising from the cancellation of the Centre for Criminology seminar on Trans Rights, Imprisonment and the Criminal Justice System, scheduled to take place on 5 December 2019, and the arrangements for speaker invitations to the Holocaust Memorial Week event on the State of Antisemitism Today, scheduled for 30 January 2020: Report University of Essex, 21 December – https://www.cloisters.com/reindorf-review-on-no-platforming/

Rendell, Kathryn and Zoe Rathus (2000) *An Unacceptable Risk: A Report on Child Contact Arrangements Where There is Violence in the Family*, Contact Free Abuse Group, Women's Legal Service, Brisbane

Rhoades, Helen, Reg Graycar and Margaret Harrison (2001) 'The *Family Law Act 1995*: the first three years: Sydney Law School Research Paper No.08/69' *Australian Family Lawyer* 15(1): 1-8

Richards, Dylan and Jessica Feehely (2019) 'Legal recognition of sex and gender: issues paper' *Tasmania Law Reform Institute* 25 June – https://apo.org.au/node/245251

ripx4nutmeg (2021) 'Why paedophiles love the gender revolution' *The Glinner Update* 3 May – https://grahamlinehan.substack.com/p/why-paedophiles-love-the-gender-revolution

Roxburgh, Kate (2020) 'Hayden's latest debacle' *The Glinner Update* 17 December – https://grahamlinehan.substack.com/p/haydens-latest-debacle

Sinclair, Susan (2018) 'Scottish Prison Service Policy written by trans lobby group' *Scottish Women* 2 December – https://scottish-women.com/2018/12/02/scottish-prison-service-policy-written-by-trans-lobby-group/

Stack, Liam (2017) 'European court strikes down required sterilization for transgender people' *The New York Times* 12 April – https://archive.li/1PHpX

Stock, Kathleen (2018) 'Women's Place talk: full text House of Lords' *Medium* 10 October – https://medium.com/@kathleenstock/womens-place-talk-full-text-house-of-lords-oct-10th-2018-b1f3d70c4559

Thomas, Kim (2020) 'I stand with Kate Scottow' *The Spectator* 14 February – https://www.spectator.co.uk/article/i-stand-with-kate-scottow/

UK College of Policing (2014) *Hate Crime Operational Guidance* – http://library.college.police.uk/docs/college-of-policing/Hate-Crime-Operational-Guidance.pdf

UK College of Policing (2023) 'Responding to hate' College of Policing, 8 September – https://www.college.police.uk/app/major-investigation-and-public-protection/hate-crime/responding-hate#recording-non-crime-incidents-perceived-by-the-reporting-person-to-be-motivated-by-hostility

UK Court of Appeal (2021) *The Queen on the Application of Harry Miller and The College of Policing* Royal courts of Justice, 20 December – https://www.judiciary.uk/wp-content/uploads/2022/07/Miller-v-College-of-Policing-judgment-201221.pdf

UK EHRC (2022) 'Letter' *Equality and Human Rights Commission* 26 January – https://www.equalityhumanrights.com/en/legal-responses/parliamentary-briefings

UK Government (2010a) *Equality Act 2010* – https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf

UK Government (2010b) *Working for Lesbian, Gay, Bisexual and Transgender Equality* June – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85483/lgbt-work-plan.pdf

UK Government (2011a) *Working for Lesbian, Gay, Bisexual and Transgender Equality: Moving Forward* March – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85482/lgbt-action-plan.pdf

UK Government (2011b) *Advancing Transgender Equality: a Plan for Action* December, London: HM Government – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85498/transgender-action-plan.pdf

UK Government (2018a) *National LGBT Survey: Research Report* Government Equalities Office, July – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721704/LGBT-survey-research-report.pdf

UK Government (2018b) *Reform of the Gender Recognition Act—Government Consultation* July – https://assets.publishing.service.gov.uk/media/5b3b38b540f0b645f1a07720/GRA-Consultation-document.pdf

UK Government (2022) 'Appendix: government response' – https://publications.parliament.uk/pa/cm5802/cmselect/cmwomeq/129/report.html#heading-1

UK Government Equalities Office (2018) 'Trans people in the UK' – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721642/GEO-LGBT-factsheet.pdf

UK High Court (2020) *The Queen on the Application of Harry Miller and (1) The College of Policing (2) The Chief Constable of Humberside* Royal Courts of Justice, 14 February – https://ia902804.us.archive.org/6/items/doublethink/miller-v-college-of-police-judgment.pdf

UK Judicial College (2023) *Equal Treatment Bench Book* – https://www.judiciary.uk/wp-content/uploads/2023/06/Equal-Treatment-Bench-Book-April-2023-revision.pdf

UK Law Commission (2021) *Hate Crime Laws Final Report* Law Com 402 – https://assets.publishing.service.gov.uk/media/61ba053ed3bf7f055eb9b8cf/Hate-crime-report-accessible.pdf

UK Women and Equalities Committee (2016) *Transgender Equality: Report, Together with Formal Minutes Relating to the Report* Women and Equalities Committee, House of Commons, 14 January –

https://publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/390/390.pdf

UK Women and Equalities Committee (2021) *Reform of the Gender Recognition Act—Third Report of Session 2021-22* December, London: House of Commons – https://committees.parliament.uk/publications/8329/documents/84728/default/

US Congress (2019) *Equality Act* 116th Congress, 1st Session 20 May – https://www.congress.gov/116/bills/hr5/BILLS-116hr5rfs.pdf

US DoJ (2017) 'Memorandum: Revised treatment of transgender employment discrimination claims under Title VII of the Civil Rights Act of 1964' Office of the Attorney General, US Department of Justice – https://www.justice.gov/ag/page/file/1006981/download

US DoJ (2022) U.S. Department of Justice Civil Rights Division: FY 2022 Performance Budget – https://www.justice.gov/jmd/page/file/1398356/download

von Doussa, the Hon. John (2006) 'Launch of the Supreme Court Equal Treatment Benchbook' Banco Court, Supreme Court of Queensland – https://humanrights.gov.au/about/news/speeches/launch-supreme-court-equal-treatment-benchbook

Walsh, Lynne and Ros Sitwell (2019) 'Feminists call for a rational debate on gender and the law' *Morning Star* 25 January – https://morningstaronline.co.uk/article/feminists-calls-rational-debate-gender-and-law

Wareham, Jamie (2020) 'Non-binary people protected by U.K. Equality Act, says landmark ruling against Jaguar Land Rover' *Forbes* 16 September – https://www.forbes.com/sites/jamiewareham/2020/09/16/non-binary-people-protected-by-equality-act-in-landmark-ruling-against-jaguar-land-rover/

Whitehall, John (2017) 'Childhood gender dysphoria and the law' *Quadrant* May – https://quadrant.org.au/magazine/2017/05/childhood-gender-dysphoria-responsibility-courts/

Williams, Joanna (2018) 'The year of trans tyranny' *Spiked* 26 December – https://www.spiked-online.com/2018/12/26/the-year-of-trans-tyranny/

Williams, Mr Justice (2019 'Lancashire County Council v 11 Respondents: Approved Judgment' *Preston Family Court* 9 May – https://www.bailii.org/ew/cases/EWFC/HCJ/2019/30.html

Wright, Jack (2020) 'Mother-of-two who called a transgender woman a "pig in a wig" is convicted of sending offensive tweets as free speech campaigners protest outside court' *MailOnline*15 February – https://www.dailymail.co.uk/news/article-8004175/Mother-called-transgender-woman-pig-wig-convicted-sending-offensive-tweets.html

Yardley, Miranda (2018) 'Why the Gender Recognition Act 2004 should be abolished' *Miranda Yardley* 15 March – https://mirandayardley.com/en/why-the-gender-recognition-act-2004-should-be-abolished/

Yardley, Miranda (2019) 'Miranda Yardley, transsexual, prosecuted for "transgender hate crime"' *Uncommon Ground* 14 March – https://uncommongroundmedia.com/miranda-yardley-transsexual-prosecuted-transgender-hate-crime/

Young, Gudrun (2019) 'Gudrun Young secures no case to answer in controversial first prosecution for "transgender hate crime"' *2 Hare Court* 4 March –

https://www.2harecourt.com/2019/03/04/gudrun-young-secures-no-case-to-answer-in-controversial-first-prosecution-for-transgender-hate-crime/