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**New South Wales and Victoria**

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# **Transgender Activism and Anti-Discrimination Reform in 1990s New South Wales and Victoria**

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## **Abstract**

Australia in the 1990s witnessed the emergence of new transgender organisations that pushed for amendments to state and Commonwealth anti-discrimination laws. Like so many other social movements, they were subject to ideological and strategic divisions. Some transgender activists advocated for “passing” politics, while others adopted ideas about queer that celebrated difference and gender non-normativity. This article examines the politics around anti-discrimination reforms in Australia’s two most populous states: New South Wales and Victoria. New South Wales had a longer tradition of transgender activism and witnessed significant divisions across and within lesbian, gay, bisexual and transgender communities. In Victoria, initial divisions led to the formation of separate organisations for LGB and transgender groups. Yet, this proved a boon in the long run because these groups worked together in solidarity. Both state campaigns proved successful at securing similar legislative reforms in 1996 (New South Wales) and 2000 (Victoria), but with different levels of public and political support. This article draws on a mix of oral history interviews, media reports, archival records, parliamentary debates, and documents shared from transgender activists’ personal archives. It analyses transgender activism and politics in 1990s Australia and how different approaches reflected wider divisions among transgender Australians over identity.

**Keywords:** transgender; LGBTIQ+; gender; anti-discrimination; trans; sexuality

In 1997, the Sydney-based Gender Centre’s bimonthly magazine, *Polare*, published a letter to the editor headlined “Offended”. The author, Rahnee, wrote: “As a transsexual working towards being accepted into the general community, I feel betrayed, hurt and greatly offended to be referred to as a ‘queer’ in *Polare* 17. This abuse by the Lesbian and Gay Anti-Violence

Project, The Gender Centre and its funding bodies, The NSW Health Department and the NSW Department of Community Services, proves a preference for a particular lifestyle, as represented by this rhetoric, to the exclusion of other lifestyle choices and the rights of others to be accepted as they choose into their own particular communities.”<sup>1</sup>

Rahnee’s view was not an isolated one. Just as she rejected transgender people’s association with gay and lesbian people, many gay men and lesbians snubbed being linked to transgender people. The idea of an LGBT (lesbian, gay, bisexual and transgender) community was not a natural grouping, and what united these communities was primarily outsider perspectives and prejudices that falsely conflated sexuality and gender identity. In 1990s Australia, divisions among and within lesbian, gay, bisexual and transgender communities threatened to derail pushes for transgender rights. Yet, there were also important strategic alliances that, by the end of the decade, meant different interest groups could coexist and support one another.

This article draws on oral history interviews, personal archives, LGBT and mainstream media, and parliamentary debates to examine transgender activism in the 1990s surrounding anti-discrimination reforms in Australia’s two most populous states: New South Wales (NSW) and Victoria. Activists in both states were aware of interstate and international developments through coverage in the LGBT press. However, with exceptions, rarely did activists communicate or network across state lines. Still, in common across both states was that the majority of activists were either trans women or non-binary people presumed male at birth. Moreover, the activists were overwhelmingly white and were not explicitly considering the different perspectives or needs of groups such as Aboriginal and Torres Strait Islander Sistergirls and Brotherboys, or multicultural trans communities. In both states there were divisions between gay and lesbian and transgender organisations, and in NSW there were

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<sup>1</sup> Rahnee, “Offended,” *Polare: A Bi-Monthly Magazine for People with Gender Issues* 18 (1997): 4–5.

huge conflicts between “transsexuals” (to use the term of the era) espousing “passing politics” and transgender activists who advocated a more diverse, fluid understanding of (trans)gender. In Victoria, though, the divisions between gay and lesbian and transgender organisations quickly settled into a politics of solidarity: they recognised shared experiences of injustice and found that working together strengthened their ability to enact change that was mutually beneficial.<sup>2</sup> How the fights for anti-discrimination played out in the two states shows the ways in which the 1990s represented an era of bifurcation within LGBT communities. Yet, the divisions into separate groups ensured that transgender people could effectively advocate for their distinct needs, rather than be subsumed into broader gay and lesbian organisations.

This article derives from a larger project exploring Australian transgender history since the early 20th century. The project examines the changing legal, social, media, medical and lived experiences of trans and gender diverse people. This article grew out of oral history interviews I conducted with several of the pioneering transgender activists from Victoria and NSW who were involved in the 1990s fights for anti-discrimination reform. The interview participants spoke at length about the organisations, strategies, arguments, other personalities involved, and the intra- and inter-community politics. Their oral histories—complemented by records from their personal archives, LGBT and mainstream media and community newsletters (e.g. *Polare*)—exposed complex histories of politics entangled with the push for anti-discrimination. These were sometimes messy intra- and inter-community fights over whom to include or what it meant to be transgender. I approach this research with an awareness that as a cisgender male, I am an outsider to what has been a highly marginalised community. I was not a part of these debates, nor can I ever understand the impact that people debating your very existence could have on your health and wellbeing. As a cisgender

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<sup>2</sup> Max Pensky, *The Ends of Solidarity Discourse Theory in Ethics and Politics* (Albany: State University of New York Press, 2008), 10.

researcher, I am also conscious of the need to centre transgender voices and ensure that the research respectfully reflects their experiences and desires.<sup>3</sup> To this end, I aim to reconstruct the debates in a manner that is respectful to all trans perspectives and voices. Although I point out which ideas about gender and the body are now considered outdated, I also give historical context to affirm those transgender people's voices and identities.

Finally, a quick note on terminology is warranted. Language around transgender and gender diversity is constantly evolving, with many terms that were once common now considered inappropriate. Susan Stryker presents an excellent overview of many of these terms and their definitions,<sup>4</sup> and later in this article I define some of the key words as they were used and understood in the 1990s. In my writing and analysis, I use the preferred terminology as outlined on ACON's TransHub, and I make every effort to minimise my use of outdated expressions—though at times this is difficult because I am writing about past understandings of transgender.<sup>5</sup> Some of the interview participants use terminology that many transgender people now consider offensive, and they do so as a conscious reflection of their identity constructions and/or to reclaim language. The best example of this shift is the term “tranny”, which is a derogatory term that activists such as Norrie and Aidy Griffin reclaimed in the 1990s as a mark of pride. Yet whereas reclaimed words including “queer” are now more broadly (though not universally) accepted among LGBTIQ people, “tranny” is still widely considered offensive. Transgender author and activist Katherine Cummings, who herself opposes using the word, succinctly summarises how we might consider the term in the context of these activists: “Norrie is entitled to use the term proudly, having had the energy

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<sup>3</sup> M. Paz Galupo, “Researching while Cisgender: Identity Considerations for Transgender Research,” *International Journal of Transgenderism* 18, no. 3 (2017): 241–42.

<sup>4</sup> Susan Stryker, *Transgender History: The Roots of Today’s Revolution*, 2nd ed. (New York: Seal Press, 2017), 12–40.

<sup>5</sup> See <https://www.transhub.org.au/language> (accessed 12 October 2020).

and commitment to take on the establishment and achieve a revision of the law.”<sup>6</sup> Echoing Cummings, while I do not use the term myself, as a mark of respect to those activists who use it, I have not edited it out of their oral history interviews or the historical records.

### **Anti-Discrimination and Transgender Citizenship**

Some Australian activism around transgender rights had already occurred in the early 1980s, especially in Sydney under the leadership of Roberta Perkins and in Melbourne from the small Victorian Transsexual Coalition. In 1982, Perkins became president of the Australian Transsexual Association and reshaped it from a support group to an activist organisation. The association held its first public demonstration outside a Sydney shopping centre in May 1982. In 1983, the NSW Minister for Youth and Community Services read Perkins’s book, *The “Drag Queen” Scene*, and was troubled by the challenges confronting transgender women.<sup>7</sup> The minister provided funds for Perkins to found Tiresias House—the present-day Gender Centre—as a refuge for homeless transgender people in Sydney.<sup>8</sup> In Melbourne, the Victorian Transsexual Coalition was founded in 1979 and lobbied state and federal politicians for reforms to anti-discrimination laws, birth certificates, identity documents (e.g. passports, driver’s licences) and identification requirements to access public and private services (e.g. Commonwealth Employment Scheme, bank accounts). The Victorian Transsexual Coalition had some success at influencing rights for transgender people who had gender-affirmation

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<sup>6</sup> Paul Gregoire, “Is ‘Tranny’ a Derogatory Term?,” *Polare* (August 2014). Other popular articles that discuss the debates over the term include J. Bryan Lowder, “The ‘Tranny’ Debate and Conservatism in the LGBTQ Movement,” *Slate*, 30 May 2014, <https://slate.com/human-interest/2014/05/is-tranny-a-slur-or-an-identity-who-decides.html>; Denton Callander, “RuPaul’s ‘Tranny’ Debate: The Limits and Power of Language,” *The Conversation*, 29 May 2014, <https://theconversation.com/rupauls-tranny-debate-the-limits-and-power-of-language-27220>.

<sup>7</sup> Roberta Perkins, *The “Drag Queen” Scene: Transsexuals in Kings Cross* (Sydney: Allen & Unwin, 1983).

<sup>8</sup> “Our History,” *The Gender Centre Inc*, <https://gendercentre.org.au/about-us/our-history> (accessed 1 April 2020); Paola Totaro, “Home Aims to Help ‘Oppressed, Misunderstood’ Transsexuals,” *Sydney Morning Herald*, 14 December 1983.

surgery to change the gender on their passports, and the group disbanded sometime around 1985.<sup>9</sup>

This is not to say that transgender activism and advocacy totally ceased in NSW and Victoria in the late 1980s and early 1990s. Instead, activism came from individuals instead of organised groups. Throughout the 1990s, transgender women from across Australia sent letters to Commonwealth attorneys-general and other politicians, appealing for law reform to recognise their affirmed gender.<sup>10</sup> In 1996, the Commonwealth Senate commenced an inquiry into sexuality discrimination that included transgender people in its terms of reference. Nine self-identified transgender people made submissions to the inquiry, as did two transgender support organisations from Brisbane and Perth. The final inquiry, published in December 1997, called for comprehensive Commonwealth anti-discrimination legislation to protect people on the grounds of sexuality and gender identity, but neither the Coalition Government nor the Labor Opposition supported this.<sup>11</sup>

The emergence of transgender activism in the 1980s and then the 1990s represented an assertion of transgender citizenship, which is an extension of the concept of sexual citizenship: an analytical framework exploring how people of diverse sexualities and genders have fought for access to equal rights, or have sought to redefine the meaning of citizenship to make it more meaningful for LGBT people.<sup>12</sup> Assertions of transgender citizenship have generally been around the right to dress in public in their affirmed gender, freedom from harassment, access to employment opportunities and gender-affirming health care, and legal

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<sup>9</sup> Noah Riseman, *Victoria's Transgender History Report* (Melbourne: Transgender Victoria, 2021), 16–17, <https://tgv.org.au/victorias-transgender-history-report>.

<sup>10</sup> Examples can be found in National Archives of Australia (hereafter NAA) A432, 1993/481534 Part 1; NAA A432, 1995/68617 Part 1; NAA A432, 1996/19460 Part 1; NAA A9177, 1994/526186 Part 1.

<sup>11</sup> Noah Riseman, “Transgender Inclusion and Australia’s Failed Sexuality Discrimination Bill,” *Australian Journal of Politics and History* 65, no. 2 (2019): 259–77; Commonwealth of Australia, Senate Legal and Constitutional References Committee, *Inquiry into Sexuality Discrimination* (Canberra: The Parliament of the Commonwealth of Australia, 1997).

<sup>12</sup> Diane Richardson, “Claiming Citizenship? Sexuality, Citizenship and Lesbian/Feminist Theory,” *Sexualities* 3, no. 2 (2000): 257.

recognition of one's affirmed gender.<sup>13</sup> Scholars such as Surya Monro, Lorna Warren, Janneke Van Der Ros, Sally Hines and Ana Cristina Santos have explored the contested meanings of transgender citizenship both within and outside of transgender communities. Many of these tensions are over binary readings of gender, as codified or assumed in law, and as performed and negotiated by trans and gender diverse people. Hines and Santos explain: “Thus, pro-trans\* laws and social policy often remain focused on binary conceptualisations of the body, disregarding the nuances through which trans\* lived experiences and embodiments are managed and negotiated in the everyday. Somewhat paradoxically, then, gender fluidity becomes further silenced through legal and social policies around trans\* that reproduce traditional frameworks that foreground authentic binary gender. Moreover, these silences have been at the core of social movement critique against otherwise emancipatory laws which become captured by strict visions of what gender diversity is.”<sup>14</sup> As I explain in more detail below, contestations over gender fluidity versus binary, embodied understandings of gender led to great divisions among 1990s trans activists, especially in Sydney.

Notwithstanding the tensions and contested meanings of transgender citizenship, activists almost universally saw anti-discrimination law as a key pillar of reform.

The push for anti-discrimination protections was a common demand of marginalised groups. The philosophical argument is that in liberal democracies, it is unfair to discriminate against an individual on the grounds of an unchangeable and uncontrollable attribute.<sup>15</sup>

Beginning with the Commonwealth *Racial Discrimination Act* in 1975, state and federal

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<sup>13</sup> Surya Monro and Lorna Warren, “Transgendering Citizenship,” *Sexualities* 7, no. 3 (2004): 349–50; Surya Monro, “Introducing Transgender Citizenship: The UK Case,” in *The Limits of Gendered Citizenship: Contexts and Complexities*, ed. Elzbieta H. Oleksy, Jeff Hearn, and Dorota Golariska (New York; London: Routledge, 2011), 126.

<sup>14</sup> Sally Hines and Ana Cristina Santos, “Trans\* Policy, Politics and Research: The UK and Portugal,” *Critical Social Policy* 38, no. 1 (2018): 39. See also Surya Monro and Janneke Van Der Ros, “Trans\* and Gender Variant Citizenship and the State in Norway,” *Critical Social Policy* 38, no. 1 (2018): 60; Monro, “Introducing Transgender Citizenship,” 127.

<sup>15</sup> Diane Richardson, “Constructing Sexual Citizenship: Theorizing Sexual Rights,” *Critical Social Policy* 20, no. 1 (2000): 118–19. See also Diane Richardson and Surya Monro, *Sexuality, Equality and Diversity* (New York: Palgrave Macmillan, 2012), 31–32.

parliaments passed anti-discrimination and equal opportunity acts that protected specific categories of people in employment, housing, provision of goods and services, and other areas of public and commercial life.<sup>16</sup> Legal scholars debate whether anti-discrimination laws should be framed as a set of proactive responsibilities to protect human rights, or as establishing a baseline to ensure that benefits accorded to privileged groups are shared with hitherto marginalised strata of society. As George Rutherglen argues, even more ambitious interpretations of anti-discrimination laws see them as ways to foster efficiency, uphold human dignity, promote equality and preserve liberty.<sup>17</sup> While varying interpretations exist about the effectiveness or types of rights enabled by anti-discrimination laws, scholars generally agree that these laws *aim* to promote equality and offer, to varying degrees, protections to members of marginalised groups. It is for this reason that activist groups have long seen anti-discrimination legislation as one pillar to advance their social status, overcome institutionalised barriers to participate in the economy, and influence attitudinal change.

From the early 1990s, transgender people targeted state politicians and inquiries to call for anti-discrimination protections. One such opportunity was a 1993 review of Victoria's *Equal Opportunity Act*, which elicited four submissions from transgender women. They outlined personal experiences that reflected the obstacles to transgender citizenship: discrimination in the workplace, challenges securing identity documents, and difficulties accessing gender-affirmation surgery. Anna Langley's submission effectively summarised the importance of anti-discrimination protection for transgender Victorians: "I believe protection under the Equal Opportunity Act is necessary to allow transsexuals to reach their maximum potential personally and as healthy members of our society. Both because of the

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<sup>16</sup> See Neil Rees, Simon Rice, and Dominique Allen, *Australian Anti-Discrimination and Equal Opportunity Law*, 3rd ed. (Annandale, NSW: The Federation Press, 2018); Beth Gaze and Belinda Smith, *Equality and Discrimination Law in Australia: An Introduction* (Cambridge: Cambridge University Press, 2017).

<sup>17</sup> George Rutherglen, "Concrete or Abstract Conceptions of Discrimination?," in *Philosophical Foundations of Discrimination Law*, ed. Deborah Hellman and Sophia Moreau (Oxford: Oxford University Press, 2013), 123. See also Sophia Moreau, "What Is Discrimination?," *Philosophy & Public Affairs* 38, no. 2 (2010): 143–79; Deborah Hellman, *When Is Discrimination Wrong?* (Cambridge, MA: Harvard University Press, 2008).

direct legal protection and more importantly because of the increase in self-esteem from knowing that we are protected and so we can gain a higher self realisation at a younger age and not need to rely on the use of the legal process.”<sup>18</sup>

The final review document made no mention of transgender people, and amendments to the *Equal Opportunity Act* in 1995—which added protections for LGB people under the category “lawful sexual activity”—did not include transgender people. Burgeoning activist Julie Peters, who had worked with Anna Langley and Kim Dorin on their submissions to the inquiry, had an important epiphany: “What we found was they [the politicians] didn’t take us very seriously because we weren’t a group.”<sup>19</sup>

Visibility was key to any assertions of transgender citizenship,<sup>20</sup> and nascent activists across state lines recognised this. They were speaking for a small group on the furthest margins of society, and about whom the cisgender majority had no medical or social understandings.<sup>21</sup> In 2000, Kayleen White explained: “When we have met with people who do not know transgender people, and they see that we are not the monsters portrayed in folklore (so to speak), we have got them on side. It’s a message that was put quite succinctly by one Commonwealth Senator we met: make sure politicians can put a face to transgender issues. In other words, personalise it – which corrects some of the myths and misconceptions.”<sup>22</sup>

Visibility represented a break from traditional “passing politics”, whereby transgender people would aim to disappear in society as their affirmed gender. Visibility would disrupt what was traditionally seen as a public/private sphere divide, and could come at great risk of

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<sup>18</sup> Jane Anna Langley, submission to 1993 Review of *Equal Opportunity Act*, 16 June 1993, Public Records Office Victoria (hereafter PROV), 10977/P1/unit 16.

<sup>19</sup> Julie Peters, interview with author, 23 February 2018, Melbourne. See also Anna Langley, interview with author, 17 March 2019, Cambridge.

<sup>20</sup> Diane Richardson, “Extending Citizenship: Cultural Citizenship and Sexuality,” in *Culture and Citizenship*, ed. Nick Stevenson (London: SAGE Publications, 2001), 343.

<sup>21</sup> “Cisgender” or “cis” refers to people whose gender identity is the same as that presumed at birth.

<sup>22</sup> Kayleen White, *Transgender Victoria Newsletter* (February 2000), courtesy of Julie Peters.

stigma and physical abuse.<sup>23</sup> In 1995, transgender lawyer Rachel Wallbank wrote about the importance of visibility to influence the political process: “The legal recognition of a person’s new gender status has [been], and will be, primarily brought about by those transgendered people who are prepared, as necessary, to [forgo] passing and to endure public recognition as being transgendered, with all the anomalous meanings and discomfort that this embraces for themselves and others, rather than to seek the comfort of invisibility.”<sup>24</sup> How activists became visible and advocated for anti-discrimination laws varied across the states, and they confronted different challenges and obstacles within the communities and parliaments. Ultimately, though, securing legislative change required strategic alliances that could overcome longstanding intra- and inter-community prejudices, misconceptions and divisions.

## New South Wales

The main activist group in NSW, the Transgender Liberation Coalition (TLC), was founded in 1991 to pressure the state government to provide more resources for the Gender Centre. By 1992, new activists under the leadership of Aidy Griffin were in charge, and their agenda was more radical: they wanted to challenge the very idea of gender as something that was fixed and binary. Aidy and other members such as Jesse (AKA Jill) Hooley and Norrie took a keen interest in post-structuralist ideas about gender and the theories of Judith Butler.<sup>25</sup> Norrie explained in the 1993 documentary *On Becoming*: “[The] old view is that sex is something we ‘are’, but the gender-fluid theory says that gender is something you do. It says we are human beings, not human doings. Saying you are a man or woman limits what you can do (man things, woman things, etc). Gender is things you do and behaviours you adopt, including dressing.” In that same documentary, Aidy acknowledged that “the notion of

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<sup>23</sup> Richardson, “Extending Citizenship,” 342.

<sup>24</sup> Rachel Wallbank, “The Winds of Legal Change,” *Polare* 6 (February 1995): 14.

<sup>25</sup> See Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 3rd ed. (New York and London: Routledge, 2007).

fluidity is very subversive to any kind of fixed entity” and summarised: “Whenever there is a gap between the way a person feels about themselves, the way they perform gender, or the way society affirms a performance, we have gender fluidity.”<sup>26</sup> The ideas that Norrie and Aidy espoused were part of a global shift in transgender activism, much of it inspired by transgender, queer and new feminist scholarship from the United States.<sup>27</sup>

Aidy and the other activists purposefully used the word “transgender”. Indeed, Pindi Hurring recalls that Roberta Perkins adamantly lectured the group that no matter what other compromises they made when negotiating legislation, they must use the word transgender.<sup>28</sup> Aidy explained in 1993: “Transgender is a far broader term that covers everyone. At least the way we use it, it covers everybody who lives outside gender norms. It’s not an identity, it’s not a condition, it’s not a personality type, it’s not a category.”<sup>29</sup> Just the adoption of the term “transgender” was radical because it broke away from the common medical models distinguishing between “transvestites” and “transsexuals”. Transvestites referred to men who identified as heterosexual but sometimes dressed as women and assumed feminine personas. Transsexuals referred to those who identified with a gender other than that presumed at birth and who underwent hormonal therapy and gender-affirmation surgery. “Transgender” was meant to be an umbrella term for any person whose gender identity was different from their sex assigned at birth, regardless of medical interventions and regardless of whether permanently or not.<sup>30</sup> The term celebrated gender diversity, confronting longstanding beliefs about surgery and gender binaries even within the trans community. TLC members aligned

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<sup>26</sup> Teresa Rizzo, *On Becoming*, directed by Teresa Rizzo (Australia: AFI Distribution, 1993).

<sup>27</sup> Stryker, *Transgender History*, 153–64.

<sup>28</sup> Pindi Hurring, interview with author, 10 May 2022, Sydney.

<sup>29</sup> *On Becoming*.

<sup>30</sup> See Kelly Jacob Rawson and Cristan Williams, “Transgender\*: The Rhetorical Landscape of a Term,” *Present Tense* 3, no. 2 (2014): 1–9.

themselves with ideas of queer, rejecting the idea that trans women (in particular) should conform to traditional ideas of femininity and disappear into mainstream society.<sup>31</sup>

Appearing on the ABC's *Lateline* in 1994, Aidy argued that the two top priorities for transgender people were anti-discrimination protections and legal recognition in their affirmed genders. Aidy acknowledged that anti-discrimination laws would not end all social problems confronting transgender Australians, but such reforms "would be sending a signal out to society that this kind of behaviour, the kind of wanton and vicious attacks that occur so often on trannies, is no longer acceptable. It would be sending a signal to employers that it's no longer acceptable to sack somebody simply because their perception is they are not of the appropriate gender. It would be sending a signal to educational authorities to start developing policies in this area that do not drive budding trannies out of school aged 14 or 15 with no skills, and so on".<sup>32</sup>

Aidy recalls: "I thought if we can't get anti-discrimination legislation, there's no chance of getting birth certificates ... And secondly, anti-discrimination legislation was already in practice, with gays and racial status, and so on, sex, so it was just a matter of extending the existing law rather than opening up a new one. And thirdly, nobody in their right minds could reasonably oppose it."<sup>33</sup> Aidy's third point would ultimately be proven wrong—not so much because people opposed anti-discrimination laws in principle, but because fights over definitions and competing agendas hindered building support.

Aidy aimed to build alliances with other trans people and gay and lesbian organisations but found that identity politics was a big obstacle. Aidy recalls: "These are all these fights we were carrying on simultaneously: so we've got the gay community, we had a fight there. We've got politicians, we've got a fight there, we've got lesbians—we've got a

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<sup>31</sup> Jesse Hooley, "Normalising Transgender and Policing Transgression: Anti-Discrimination Law Reform Ten Years On," *Australian Feminist Law Journal* 25, no. 1 (2006): 91; Aidy Griffin, interview with author, 26 November 2019, Sydney; Norrie, interview with author, 10 September 2019, Sydney.

<sup>32</sup> "Changing Gender," *Lateline*, ABC, 12 April 1994, NAA C475, 1719712.

<sup>33</sup> Aidy Griffin interview.

fight there. We've got old style trannies, we've got to fight them. So it was pretty hectic and full on.”<sup>34</sup> The fights with lesbians to which Aidy alludes were about the Lesbian Space Project: a group that since 1991 had been fundraising to purchase property exclusively for the use of lesbians. Aidy had challenged the trans-exclusionary nature of the Lesbian Space Project in a regular column in the *Sydney Star Observer*.<sup>35</sup> Throughout 1994, debates within the lesbian community over transgender inclusion derailed the project.<sup>36</sup>

The second front was against the NSW Gay and Lesbian Rights Lobby. Activist Norrie was particularly engaged in this fight because, as they explain, “I can’t think of a right that gays would want that lesbians want that wouldn’t also apply to bis or trannies. There might be some things that’s gay men-specific or some things that are lesbian-specific, but if gay men and lesbians want it, bis and trannies want it too, but they didn’t buy that.”<sup>37</sup> Norrie was intentionally provocative and recalls addressing a Stonewall Day rally in 1992: “We were left out by the term ‘gay men and lesbians’, but ‘We’re at the party. We do the shows, we work at the bars, we staff the cloakroom, we’re on the door. It’s time we got an invitation.’”<sup>38</sup> Norrie was later expelled from the NSW Gay and Lesbian Rights Lobby over critical comments, but Aidy says that this dismissal had a perversely positive effect: “But actually by throwing us out they had to adopt the position with the transgender community, we’re very supportive of them, we support everything they do, but they’re just not part of the Gay and Lesbian Rights Lobby … So even though they’d thrown us out, we held power over them.”<sup>39</sup>

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<sup>34</sup> Aidy Griffin interview.

<sup>35</sup> In present-day parlance, this group would be described as TERFs: trans-exclusionary radical feminists. See Sally Hines, “The Feminist Frontier: On Trans and Feminism,” *Journal of Gender Studies* 28, no. 2 (2019): 145–57.

<sup>36</sup> Affrica Taylor, “Lesbian Space: More than One Imagined Territory,” in *New Frontiers of Space, Bodies and Gender*, ed. Rosa Ainley (London; New York: Routledge, 2001), 129–41; Aidy Griffin interview.

<sup>37</sup> Norrie, interview with author, 10 September 2019, Sydney.

<sup>38</sup> Norrie, *Ultrasex: An Autobiography by Norrie May-Welby* (Sydney: self-pub., 2019), 213.

<sup>39</sup> Aidy Griffin interview.

The final opposition TLC faced came from a group of trans women who had had gender-affirmation surgery and rejected the concept of gender fluidity. As Eric Plemons and Chris Straayer explain, the 1991 publication of Sandy Stone's essay "The Empire Strikes Back" spurred transgender activists around the world "to decenter, refract, complicate, or refuse the medical discourses that had for decades defined transsexuals as a group constituted by the desire for sex-altering surgical intervention".<sup>40</sup> The push away from surgery met resistance not only from the medical (and especially psychiatry) profession, but also trans women who, too, subscribed to embodied ideas about gender. Many members of Sydney's trans community had deeply held views about gender binaries and, in line with the medical model of the time, saw gender-affirmation surgery as the defining feature of whether someone was a "true transsexual".<sup>41</sup> Surya Monro and Janeke Van Der Ros note that globally these tensions played out within trans communities in the 1990s, as radical activists such as TLC sought to disrupt a normative gender order that many transgender people fully embraced.<sup>42</sup> Those trans women would countenance anti-discrimination protections only for those who had surgery.

The group that represented this different ideology was the Transsexual Action Group (TAG). Although one article in *Polare* suggests it was founded in 1991, its former secretary Ricki Coughlan recalls that the organisation was made up only of herself and one other person. The other person formed the group around 1994 as a reaction to TLC and recruited Ricki because she had a public profile but was somewhat politically naïve.<sup>43</sup> While TAG supported anti-discrimination legislation for trans women who had surgery, their priority was

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<sup>40</sup> Eric Plemons and Chris Straayer, "Introduction: Reframing the Surgical," *TSQ: Transgender Studies Quarterly* 5, no. 2 (2018): 164. See also Sandy Stone, "The Empire Strikes Back: A Posttranssexual Manifesto," in *Body Guards: The Cultural Politics of Gender Ambiguity*, ed. Julia Epstein and Kristina Straub (New York: Routledge, 1991), 280–304.

<sup>41</sup> See Dr Herbert Bower, "Changing Gender," *Lateline*, ABC, 12 April 1994, NAA C475, 1719712.

<sup>42</sup> Surya Monro, *Gender Politics: Citizenship, Activism and Sexual Diversity* (London and Ann Arbor: Pluto Press, 2015), 99–100; Monro and Van Der Ros, "Trans\* and Gender Variant Citizenship and the State in Norway," 60.

<sup>43</sup> Ricki Coughlan, interview with author, 26 April 2019, Sydney.

birth certificate reform. TAG considered TLC's arguments about eliminating gender to be out of touch and “political poison”, so they lobbied for any birth certificate reforms to apply only to trans people who had surgery.<sup>44</sup> Aidy argued with TAG adherents that “nobody knows whether you have an op or not. So if you cite somebody for discriminating against you, all they have to say is, ‘I didn’t think they had an op,’ and they get off”. Aidy recalls that several of these women also did not like being grouped with gay men and lesbians because they believed that this framed transgender people as sexual deviants or perverts.<sup>45</sup>

*Polare* regularly published letters and opinion pieces where TAG and TLC attacked each other, sometimes personally. Norrie alluded to TAG members as “self-righteous self-serving sanctimonious genital realigned tranys [sic] who want to reinforce the myth of gender polarity and prove that they are better and more legitimate members of their chosen gender than their non-operative trany peers”.<sup>46</sup> In response, Ricki Coughlan (then Carne) described Norrie as someone who “has never offered anything of substance to the tranny community but rather has dragged us through the mud on a regular basis with her mindless maunderings in the gay press complete with her regular totally filthy language”.<sup>47</sup> Former members of TLC and TAG recall the rivalry extending beyond the pages of *Polare*. Ricki Coughlan remembers being bullied and ostracised by the Gender Centre to the point that she eventually stopped being active in the trans community. As an important afterword, years later Norrie and Ricki reconciled their differences and are now on friendly terms. Moreover, as social constructivist ideas have become more accepted than the medicalised, binary models of gender, Ricki, too, has advocated for more diverse, non-embodied understandings of

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<sup>44</sup> Ricki Carne, “Transsexual Action Group T.A.G.”, *Polare* 10 (December 1995): 10–11.

<sup>45</sup> Aidy Griffin interview; Rahnee, “Offended,” 4–5.

<sup>46</sup> Norrie May-Welby, “Surgically Acquired Legal Privileges,” *Polare* 9 (October 1995): 18–19.

<sup>47</sup> Carne, “Transsexual Action Group T.A.G.”, 10–11.

gender and gender identity and the right for anyone to be recognised in their affirmed gender, free of discrimination, regardless of any medical or surgical interventions.<sup>48</sup>

Reading through the letters to the editor and other opinion pieces in *Polare*, it is clear that Sydney's transgender community was split between TLC's queer ideology and the "passing politics" of TAG. TLC was advocating for what Monro and Van Der Ros call gender pluralism: creating a space for new categories of identity and celebrating a broad spectrum of genders. They explain: "Gender pluralism need not pose any threat to people with conventional gender identities, nor to the institutions of family and heterosexuality. It simply implies the broadening of social options to include non-binary people."<sup>49</sup> This was certainly how TLC saw itself; Jesse Hooley described TLC as "the only group that welcomes and includes all members of the tranny community; pre, post and non-op, F to M and M to F – or 'queer' or whatever – it is a diverse group of unpaid community activists whose sister/brotherhood has played a leading role in advancing our rights and sense of community".<sup>50</sup>

Others did not see TLC as being diverse in its advocacy, but instead pushing an ideological agenda that marginalised "transsexuals" who wished to disappear quietly into society.<sup>51</sup> Rahnee wrote in 1997: "There is simply to [sic] much 'diversity' within the 'transgender community', and by the insults, disdain and lack of respect shown by some 'transgenders' towards others there is certainly no 'unity'."<sup>52</sup> Only in one article did "Helen" try to bridge the gap between TAG and TLC, acknowledging that they spoke for different groups and they should respect each other as such: "We all have our rights as individuals and both groups need a change in public attitude to allow their members to lead their lives

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<sup>48</sup> Ricki Coughlan interview.

<sup>49</sup> Monro and Van Der Ros, "Trans\* and Gender Variant Citizenship and the State in Norway," 72. See also Monro, *Gender Politics*, 86–88.

<sup>50</sup> J. Hooley, "A Response to T.A.G.'s Perspective," *Polare* 12 (May 1996): 8.

<sup>51</sup> Caroline Layt, "A Response," and J. Deering and J. Scott coordinators, South Australian Transsexual Support Group, "Removal of the Medical Model," *Polare* 16 (1997): 4–5.

<sup>52</sup> Rahnee, "Offended," 4–5.

uncomplicated by needless prejudice. However, to believe that we can all fit under the one encompassing umbrella is to me ridiculous. It is better to recognise that we are different and have different requirements. Polare and the Gender Centre should provide a venue for us all to express ourselves without this expression resorting to personal criticism. There should be room for TAG, TLC and others as necessary.”<sup>53</sup> The calls for peace went unheeded, and TAG and TLC would both play roles influencing the political process when the anti-discrimination legislation finally went forward.

Clover Moore, the independent member for Bligh (now Sydney), first introduced an amendment to the NSW *Anti-Discrimination Act* in 1994 to add transgender people as a protected category.<sup>54</sup> Moore’s private member’s bill was never debated in parliament, but it put the matter on the public agenda and also framed the debate around protecting people regardless of surgery. In 1995, the ALP won the NSW state election, and the Attorney-General Jeff Shaw met with representatives of TLC and drafted an updated version of Clover Moore’s bill. The bill would add transgender as a protected category under NSW anti-discrimination law and update the *Births, Deaths and Marriages Registration Act 1995* to facilitate a process for transgender people to amend their birth certificates. Aidy Griffin, Jesse Hooley and Nadine Stransen lobbied politicians of all stripes, but especially within the Labor Party and members of the Upper House from the Greens, Democrats and other minor parties. Trans man Kelby Evans, too, met with some of the politicians, particularly around the birth certificate part of the legislation. Pindi Hurring did much of the logistical work behind the scenes – chasing politicians’ offices to schedule the meetings.<sup>55</sup>

The lobbying proved effective and adopted multiple frameworks to appeal to the respective members. Aidy wrote, “We apologised to nobody, we made no excuses for our

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<sup>53</sup> Helen (MTF), “TLC or TAG (A Personal View),” *Polare* 14 (1996): 23.

<sup>54</sup> Clover Moore MP, NSW Legislative Assembly, Official Hansard, 24 November 1994, 5768.

<sup>55</sup> Jesse Hooley, interview with author, 9 May 2022, Sydney; Pindi Hurring, interview with author, 10 May 2022.

lifestyles, we made no discrimination between the various choices that tranys can make to resolve their issues. We were defiant, out, proud and successful.”<sup>56</sup> They distributed copies of a 1994 research study conducted by Roberta Perkins—the first comprehensive social science study of transgender people in Australia. Her findings about disadvantage among the transgender community were damning about employment discrimination, alarmingly poor health outcomes, hate crimes, family and domestic violence, and high rates of homelessness.<sup>57</sup> Aidy credited this report as being critical in gaining the support of key ALP power brokers.<sup>58</sup>

Jesse Hooley and Nadine Stransen also presented data regarding trans people’s experiences to ALP and Greens members, some of whom showed particular concern about discrimination and high levels of violence against trans women. They presented data from a study, in progress at the time, which Hooley was conducting about trans people’s health needs.<sup>59</sup> Hooley also specifically remembers meeting with the Upper House member Alan Corbett from the Better Future for Our Children Party. Corbett was a proud Christian, and when he asked Hooley and Stransen what Jesus would think about the anti-discrimination legislation, Hooley pointed out that Jesus regularly spent time with sex workers and the marginalised of society. Hooley’s strong knowledge of the Bible – a consequence of her religious upbringing – proved effective at winning over Corbett.<sup>60</sup>

Where TAG had more influence was on the outcome of the birth certificate reform. TAG’s main parliamentary allies were Minister for Transport and Tourism Brian Langton and Minister for Police Paul Whelan (who also was acting attorney-general when Shaw was

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<sup>56</sup> Aidy Griffin, “Tranys Win Law Reforms: What Will They Mean?,” *Polare* 10 (December 1995): 10. See also Aidy Griffin, “Why T.L.C. Succeeded,” *Polare* 11 (February 1996): 7–9.

<sup>57</sup> Roberta Perkins, “Transgender Lifestyles and HIV/AIDS Risk: National Transgender HIV/AIDS Needs Assessment Project” (School of Sociology, University of New South Wales, 1994).

<sup>58</sup> Griffin, “Why T.L.C. Succeeded,” 7–9; Hooley, “Normalising Transgender and Policing Transgression,” 87.

<sup>59</sup> This report was eventually published as “The Transgender Project: A Needs Assessment for People with Transgender Practices,” (Central Sydney Area Health Service, 1996).

<sup>60</sup> Jesse Hooley, interview with author, 9 May 2022, Sydney.

on leave). Ricki Coughlan also recalls having an impromptu meeting with NSW Premier Bob Carr. She told Carr about the challenges of living as a transgender woman who could not update her documents, and his response was simple: “This is really easy; it’s a matter of equity.”<sup>61</sup> TAG, with some assistance from the Gender Council of WA, used their allies to argue in Cabinet that birth certificate reform should apply only to people who had gender-affirmation surgery.<sup>62</sup> TLC openly expressed disappointment that people could not self-identify their gender marker without surgery, but as Aidy explained in 1996: “TLC has not approved the birth certificates legislation. We agreed ‘not to oppose it’.”<sup>63</sup>

The ALP introduced the bill to parliament in June 1996, and they framed the debate around treating transgender people as equals. In the statement introducing the legislation into both houses of parliament, Kim Yeadon MLA and Jeff Shaw MLC asserted: “There is strong evidence to show that transgender persons are subject to high levels of discrimination in their daily lives, including discrimination in employment, and in their access to services.”<sup>64</sup> Other proponents in the Legislative Council came from the Australian Democrats and the Greens. They, too, commented on human rights, equality and protecting transgender people from violence.

The Liberal and National Parties opposed the legislation, alleging that the Labor Party was catering to special interests; that the definition of transgender was too broad and inappropriate; that this was political correctness gone wrong (a potent argument after John Howard’s thumping victory in the 1996 federal election); and that the law would place burdens on businesses.<sup>65</sup> Barry O’Farrell, who from 2011 to 2014 would serve as premier of NSW, argued that the legislation could “alter, and perhaps permanently damage, the entire

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<sup>61</sup> Ricki Coughlan interview.

<sup>62</sup> Aidy Griffin interview; Laura Anne Seabrook Dunning, ex-spokesperson and coordinator of the Gender Council (WA), “Setting the Record Straight,” *Polare* 13 (July 1996): 4.

<sup>63</sup> Griffin, “Tranys Win Law Reforms,” 10.

<sup>64</sup> Kim Yeadon MP, NSW Legislative Assembly, Official Hansard, 1 May 1996, 643; Jeff Shaw MLC, NSW Legislative Council, Official Hansard, 30 May 1996, 1795.

<sup>65</sup> NSW Legislative Assembly, Official Hansard, 22 May 1996, 1344–1361.

concept of marriage”.<sup>66</sup> The transgender community was mostly abstract to the political class, especially the conservative side of politics. TLC never embarked on a wide public campaign to personalise their experiences. Still, the legislation passed in 1996 with the support of independent Clover Moore in the Lower House and with the Democrats, Greens and the Better Future for Our Children Party in the Upper House, making NSW the second Australian jurisdiction (after the ACT in 1991) to adopt anti-discrimination protections for all transgender people (South Australia anti-discrimination law had protected “transsexuals” who had gender-affirmation surgery under definition of “sexuality” since 1986).

Divisions in the trans community between advocates of gender pluralism versus the medical model continued and came to a head later in 1996 at the Gender Centre’s annual general meeting. TLC-backed candidates won a majority of board positions and began a process of shifting the Gender Centre’s focus away from the medical model. Those who were involved in the Gender Centre at the time remember this as a very difficult period in which personal attacks drove many people to resign.<sup>67</sup> Within the next year, TLC disbanded, having achieved its goals, and many of its leaders (e.g. Jesse Hooley, Aidy Griffin) left activism behind. Relations with the gay and lesbian community gradually improved, as by the end of the decade organisations including Sydney Gay and Lesbian Mardi Gras opened their membership up to transgender people and, under significant pressure from activists such as Norrie, to bisexual people as well.<sup>68</sup>

## Victoria

The debates in Victoria in 2000 went quite differently. Whereas in NSW there were fights within the trans community, gay and lesbian community and the political class, in Victoria

<sup>66</sup> Barry O’Farrell, MLA, NSW Legislative Assembly, Official Hansard, 22 May 1996, 1347; see also Ruth Pollard, “Trany Bill Passed by Lower House,” *Sydney Star Observer*, 23 May 1996, 5.

<sup>67</sup> Noah Riseman, *New South Wales Trans History* (Sydney: ACON and the Gender Centre, 2022), 44–49; Jasper Laybutt, interview with author, 21 August 2019, Newcastle.

<sup>68</sup> Norrie interview; Jesse Hooley interview.

there was a much stronger sense of shared interests. This was not inevitable, for as in NSW there had been earlier divisions that separated the gay and lesbian and transgender communities. In 1997, a steering committee aimed to found a Victorian Gay and Lesbian Rights Lobby (VGLRL), and two transgender people were represented on the committee. Early on, one of them resigned when she felt that transgender issues were not given fair consideration. In a letter to the other members of the steering committee, she asserted: “I volunteered to be on this committee so that Transgendered people would not be left out. I do not insist that Transgendered people should have a greater input into the proceedings only an equal input. Ask any person in the legal profession where they would slot a Transgendered person and it certainly would not be in the general community, but in the Gay Community.”<sup>69</sup>

The other transgender member, Julie Peters, remained on the steering committee and pushed hard for the group to become a Victorian Gay, Lesbian and Transgender Rights Lobby. When the VGLRL launched in October 1997, the steering committee report stated: “The majority of members of the steering committee came to the position that the specific issue is one of sexuality, not gender. The Lobby’s focus should be discrimination on the grounds of sexuality. The steering committee recognised the need to work closely with the transgender Community and the need for a Transgender Lobby Group. To achieve these aims the steering committee recommends a close working relationship and the establishment of a Transgender project to work towards a Transgender Lobby.”<sup>70</sup>

Julie Peters released a statement expressing her disappointment and announcing her intention to form a Victorian Transgender Rights Lobby (VTRL), which she did a few weeks later. The gay and lesbian publication *Brother-Sister* reported: “The Transgender Lobby aims to address discrimination, the inability to amend birth certificates, the lack of recognition of

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<sup>69</sup> Bronwyn Hellings, letter to members of the Gay, Lesbian and Transgender Rights Lobby Steering Committee, 10 July 1997, courtesy of Julie Peters.

<sup>70</sup> “The Gay and Lesbian Rights Lobby of Victoria: Steering Committee Report,” October 1997, courtesy of Julie Peters; Julie Peters interview.

relationships, including marriage, and the current role of medical practitioners”—again common demands of transgender citizenship.<sup>71</sup> Throughout 1998, a new steering committee aimed to set up the VTRL with the assistance of Janet Jukes, one of the co-conveners of the VGLRL.<sup>72</sup> The VGLRL’s call to work with transgender rights advocates was not hollow, and for that reason having separate organisations that could campaign for their own communities’ interests but work together proved to be productive, rather than divisive as in NSW. The VTRL originally operated as a subgroup within the support organisation Transgender Liberation and Care, but finding this arrangement unworkable, in early 1999 the VTRL disbanded. A series of public meetings in April and May 1999 led to the founding of the successor organisation Transgender Victoria (TGV). TGV’s leaders identified those four key areas of transgender citizenship as their reform agenda: amendments to the *Equal Opportunity Act*, birth certificates, marriage rights, and better management and medical treatment for transgender prisoners.<sup>73</sup>

As in NSW, it was pressure from transgender community representatives that first put anti-discrimination laws on the Labor Party agenda. At an event during Midsumma Festival in early 1998, burgeoning activist Sally Goldner attended an ALP forum that featured the Opposition leader at the time, John Brumby. Goldner asked whether Brumby would commit a Labor government to amend anti-discrimination laws to protect transgender people; Brumby answered yes.<sup>74</sup> After winning the 1999 election, the Labor government’s main champion for LGBT rights was the new attorney-general, Rob Hulls. Early on, Hulls proposed a bill to amend the *Equal Opportunity Act* to add “gender identity” as a protected category, along with another suite of amendments to change the protected category of “lawful sexual activity” to the more respectful wording “sexual orientation”. In March 2000, at the prompting of

<sup>71</sup> Jodie Joyce, “MPs Target of Gender Lobby Group,” *Brother-Sister*, 13 November 1997, 3.

<sup>72</sup> Janet Jukes, interview with author, 5 May 2021, Melbourne.

<sup>73</sup> Riseman, *Victoria’s Transgender History*; Kayleen White, interview with author, 28 January 2019, Melbourne; Sally Goldner, interview with author, 27 August 2018, Melbourne.

<sup>74</sup> Sally Goldner interview.

VGLRL, Hulls's office contacted TGV and advised that they were preparing to introduce the legislation.<sup>75</sup> In April 2000, Hulls presented his bill to the Victorian Parliament, drawing on information prepared by TGV.

Throughout the debates, the VGLRL consistently supported the transgender amendments to the *Equal Opportunity Act*. In 1999, VGLRL included transgender people in its community survey entitled “Enough Is Enough”, which documented discrimination confronting LGBT Victorians in education, employment, healthcare and policing. VGLRL published the *Enough Is Enough* report in July 2000, and it reinforced the findings from Roberta Perkins’s 1994 report: 65 per cent of transgender respondents reported feelings of invisibility; 56 per cent reported difficulties with police; and 50 per cent reported discrimination in provision of goods, services and accommodation.<sup>76</sup> At the report’s launch, Hulls reaffirmed his government’s commitment to protect transgender people through amendments to the *Equal Opportunity Act*.<sup>77</sup>

The political calculus in Victoria was quite different from NSW. First, the ALP ran a minority government, meaning they needed either the support of three independents or the Opposition for legislation to pass the Lower House. The government embarked on negotiations with a conservative rural independent who proposed several amendments that the transgender community would not support. Eventually, they compromised and accepted one amendment about transgender people needing to be “bona fide”, playing into mythologies that some men would adopt a female persona fraudulently for some alleged gain.<sup>78</sup> Even with the Lower House support, though, the make-up of the Legislative Council

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<sup>75</sup> Kayleen White interview.

<sup>76</sup> Victorian Gay and Lesbian Rights Lobby, *Enough Is Enough: A Report on Discrimination and Abuse Experienced by Lesbians, Gay Men, Bisexuals and Transgender People in Victoria* (Fitzroy, VIC: Victorian Gay and Lesbian Rights Lobby, 2000).

<sup>77</sup> Riseman, *Victoria’s Transgender History*.

<sup>78</sup> Sally Goldner interview; Kayleen White interview.

was such that the government needed the Opposition either to support the legislation, or at least not to oppose it.

This political reality was one reason that TGV worked tirelessly to lobby politicians of all stripes to support the legislation. Whereas in NSW the transgender community existed in the abstract, TGV worked hard to present a mix of statistical evidence—sourced primarily from Roberta Perkins's 1994 report and *Enough Is Enough*—and personal stories that showed the effects of discrimination in practice. TGV prepared a political education sheet in November 1999 and sent it to all politicians. The document began with a long section explaining some of the terminology around transgender. The second section, “Experiences of Transgender People”, was entirely about employment discrimination and the statistics associated with it. The final two pages profiled four members of TGV, with three of these focused on employment discrimination.<sup>79</sup> A TGV press release from 2 June 2000 described the bill as being about the right to work, accommodation and access to services, asserting: “These basics are taken for granted by so many people; yet, transgender people continually have them denied. We will continue to do whatever is necessary to end these injustices.”<sup>80</sup> At the launch of TGV in 2000, co-convenor Kayleen White declared: “We estimate that 95% of transgender people who transition lose their job when they do so. A recent survey found that 80% of transgender people experience harassment in the workplace. I don’t have the time to spell out the full effects of losing your job when you are starting on an expensive medical procedure: it is as devastating as it is for non-transgender people, and then some. We are aiming to change this through two means: seeking legislative change, and education.”<sup>81</sup>

As in NSW, Victorian parliamentarians drew on numerous arguments about disadvantages confronting transgender people: employment discrimination, violence, human

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<sup>79</sup> Transgender Victoria, “Political Education Sheet,” November 1999, courtesy of Kayleen White.

<sup>80</sup> Transgender Liberation and Care newsletter, June 2000, 9, courtesy of Julie Peters.

<sup>81</sup> Kayleen White, speech at Transgender Victoria Launch, Transgender Victoria launch kit, 26 April 2000, courtesy of Julie Peters.

rights, mental health and suicide. Numerous politicians from both parties cited the statistical information provided by *Enough Is Enough* and TGV, including almost every speaker repeating the figure that an estimated 95 per cent of transgender people lost their jobs when they transitioned. Politicians on both sides spoke to the human experiences of transgender people, drawing on their own friendships with transgender people, examples taken out of TGV's information sheets, and conversations with TGV co-convenors Kayleen White and Sally Goldner. Both a Labor and a Liberal member of the Legislative Council quoted from the political education sheet to share the story of Pippa Reeves:

Although a competent technician, with nearly 20 years of continuous experience in six positions, transitioning two years ago led to loss of her job. Since then Pippa has applied for 147 jobs, attended 36 interviews, has been offered two jobs and has only worked one year. (She has had one job offer later withdrawn). She was hired by one company in January, but was told that her services were no longer required at the start of March. Pippa is very lucid on the difficulties of applying for jobs, including the need to change résumés (particularly previous referees), and the difficulties for a transgender person to seek accommodation when a previous landlord is behaving in a strongly prejudicial manner and when suffering the effects of not being employed.<sup>82</sup>

Hansard excerpts attest to the effectiveness of TGV's strategy to humanise the debate, and they were assisted by the VGLRL and openly gay Liberal MP Andrew Alexander.<sup>83</sup> Some of the most compassionate parliamentary speeches came from members of the Liberal Opposition. Andrea McCall MP said: "The fact that they are facing a transition and a trauma

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<sup>82</sup> Diane Hadden, MLC, Victorian Legislative Council, Official Hansard, 6 September 2000, 280; Andrea Coote, MLC, Victorian Legislative Council, Official Hansard, 6 September 2000, 289; Transgender Victoria, "Political Education Sheet," November 1999, courtesy of Kayleen White.

<sup>83</sup> Several Liberal parliamentarians cite Alexander as being influential in making them understand transgender issues. However, an interview with Transgender Victoria co-convenor Sally Goldner suggests that Alexander was playing politics with the issue and could be abrasive in meetings with their organisation: Sally Goldner interview.

in their lives should no bear no relation to their ability and acceptance in their place of employment. We have heard all the strange stories like, ‘We employed Mary as a receptionist because Mary looked like Mary, but on Monday morning she was called Jim. What are we supposed to do, because we need a receptionist?’ That is a very trite, trivial and unfair way to judge a human being who goes through the trauma that these people do.”<sup>84</sup> Several members of both sides of parliament specifically mentioned TGV representatives by name for influencing their thinking. The humanising approach presented a respectable image of transgender citizens who wanted to participate in Victoria’s economic and social life.

The co-convenors of TGV were calm and savvy in their willingness to engage with the Opposition and even conservative media. Sally Goldner recalls: “The dreaded Steve Price was doing *Drive* on 3AW [a conservative radio station] at the time, and he interviewed me and was reasonable! He just … when I told him that we had stories of cross-dressers being sacked and it’s nothing to do with the job he was like, ‘Oh!’ sort of thing. So he was … he was reasonable enough, we calmed that down.”<sup>85</sup> Murray Thompson, a Liberal MP, described the TGV co-conveners as having “a high regard for the welfare of other people and were constructive and contributing members of the community and responsible citizens”.<sup>86</sup> ALP MP Telmo Languiller remarked: “I confess that I was not knowledgeable on the subject. If we have learnt anything during the course of the debate it is that many of us were not fully aware of the issues affecting the transgender community, including those who face other gender identity issues.”<sup>87</sup> The anti-discrimination amendments passed in Victoria without opposition in September 2000. Speaking to the press, Kayleen White noted a transgender friend who had gone missing a few years earlier after feeling despondent about ever finding a

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<sup>84</sup> Andrea McCall MP, Victorian Legislative Assembly, Official Hansard, 29 August 2000, 267.

<sup>85</sup> Sally Goldner interview.

<sup>86</sup> Murray Thompson, MLA, Victorian Legislative Assembly, Official Hansard, 29 August 2000, 269.

<sup>87</sup> Telmo Languiller, MLA, Victorian Legislative Assembly, Official Hansard, 29 August 2000, 260.

job: “If we had something like this legislation in place, then she may have realised she did have a choice.”<sup>88</sup>

Importantly, the Victorian transgender community, too, would face divisions over surgery and legal recognition in their affirmed genders. In 2004, birth certificate reform was finally on the legislative agenda, and TGV lobbied for self-definitions of gender regardless of surgery. At one stage the Attorney-General Rob Hulls approved a proposal to permit transgender people to change their birth certificate even if they had not undergone surgery, as long as they had been diagnosed with gender dysphoria, were on hormones, and could obtain statutory declarations from two doctors that they had been living in their affirmed gender for at least 18 months. According to the *Age*, resistance from other transgender community members, as well as gay and lesbian activists, led the attorney-general to abandon this proposal.<sup>89</sup> Finally, in 2004 Hulls introduced amendments to facilitate the change of birth certificates but only for those transgender people who underwent “sex affirmation surgery”.<sup>90</sup> Like the 2000 amendments to the *Equal Opportunity Act*, the legislation obtained broad support from across the parliament. It would not be until 2019 that Victoria updated its birth certificate laws to remove the requirement that trans people have surgery to change their gender marker. NSW, Queensland and Western Australia are the only Australian jurisdictions that still require a medical intervention (and for NSW and Queensland, that must include gender-affirmation surgery) to change gender on the birth certificate—though the Queensland Government has flagged its intention to introduce reforms to its birth certificate law in 2022.<sup>91</sup>

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<sup>88</sup> Andrew Shaw, “‘At 9.33 Last Night...’ Parliament Passes Gender Identity Bill,” *Melbourne Star Observer*, 8 September 2000, 1, 3.

<sup>89</sup> Richard Baker, “State to Move on Transsexual Status,” *Age*, 4 March 2004, 3. See also Sally Goldner interview.

<sup>90</sup> Victoria, *Births, Deaths and Marriages Registration (Amendment) Act 2004*.

<sup>91</sup> Jordan Hirst, “Queensland Gender Reforms Delayed until Next Year,” *QNews*, 18 November 2021, <https://qnews.com.au/queensland-gender-reforms-delayed-until-next-year/>.

## Conclusion

The Equal Opportunity Commission Victoria issued a press release on 7 September 2000 welcoming the amendments to the *Equal Opportunity Act* to protect transgender people. The press release included the statement: “We will also develop guidelines and education programs to help employers and providers of goods, services and accommodation understand and meet their responsibilities under the new gender identity provisions.”<sup>92</sup> The NSW Anti-Discrimination Board similarly produced fact sheets to educate transgender people, workplaces, service providers and clubs about their obligations and rights under the state’s anti-discrimination laws.<sup>93</sup> Anti-discrimination laws across the country had slow but tangible effects. Workplace and public discrimination did not disappear overnight, and transgender people still found it difficult to prove discrimination (especially in hiring practices).<sup>94</sup> Yet anti-discrimination laws were vital tools to protect the jobs of transitioning employees. Numerous transgender professionals have noted that before anti-discrimination laws, openly transgender professionals were few and far between.<sup>95</sup>

The push for anti-discrimination laws brought about the formation of important transgender advocacy groups and taught important lessons about framing arguments around transgender citizenship. In NSW, the rival interest groups threatened to derail reform, and it was only after the dust settled over identity politics and ideological differences that the various organisations developed a more inclusive, “LGBT” approach to community organising and advocacy. In Victoria, early splits between the LGB and transgender communities proved, long term, to be a boon. Transgender activists formed their own organisation, which could advocate for transgender rights in tandem, rather than opposition,

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<sup>92</sup> “Equal Opportunity Commission Victoria Media Release,” 7 September 2000, in *TLC News* 29 (October 2000): 9.

<sup>93</sup> See, for example, “Official Factsheet from the Anti-Discrimination Board on the NSW Transgender Anti-Discrimination and other Amendments Bill of October 1996,” *Polare* 17 (1997): 6–9.

<sup>94</sup> Julia Doulman, interview with author, 26 April 2018, Central Coast, NSW.

<sup>95</sup> Cassandra Carr, interview with author, 19 October 2017, Melbourne; Brenda Appleton, interview with author, 21 February 2018, Melbourne.

to LGB organisations. Of course, these alliances were effective only as long as group interests did not clash, and the organisations saw the benefits of working together. As the 2000s rolled in, transgender activists and their allies would build on these foundations as they expanded their push for transgender citizenship.

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