

Sex-Based Rights and Youth Gender Medical Treatment Policy

The Libertarian Party believes in the right to “liberty”— the right to lead *your* life however *you* wish, provided you don’t physically harm or restrict the liberty of another. As such, we support the right of people with diverse sexualities and gender expressions to live their lives in the way that brings them the most satisfaction.

Rights can come into conflict with each other, especially when state power is used in what is often a well-intentioned effort to protect those rights. We believe that voluntary interactions can often resolve these conflicts more effectively than laws which frequently have unexpected flow on effects.

We have seen conflicts arise as different people and groups express diverse and sometimes conflicting views on how we speak about transgender issues and accommodate transgender people in society. Rather than engaging in robust discussion, there has been a concerted effort to shut down debate, with a serious threat that laws may be passed to criminalise certain views. The Libertarian Party supports freedom of expression, freedom of association and the property rights of people.

The Libertarian Party -

1. Supports free speech and expression on transgender issues.

Anti-vilification laws have been proposed in Victoria, with many proponents expressing that these need to be prioritised to protect LGBTQI+ people.¹ While some views may be distasteful or objectionable, a free society requires robust debate. The Libertarian Party supports open and respectful dialogue and condemns the policing of debate and discourse.²

2. Supports freedom of belief.

People have diverse views and beliefs that guide how they choose to live their lives. Aspects of modern gender politics and policy may have the effect of limiting a person’s right to express disagreement.³ The Libertarian Party supports freedom to disagree with cultural orthodoxy without intervention by the state.

3. Supports the right to freedom of association, including the right to set terms of entry and participation.

Some businesses and organisations, such as nightclubs⁴, social events and gyms *may* wish to restrict access based on sex or gender identity.⁵ The right to *freedom of association* does not automatically allow you to join an established group. Each group has the right to determine its own membership rules. While exemptions to anti-discrimination laws theoretically provide for this, The Libertarian Party supports simplifying these provisions and limiting state intervention.

¹ <https://engage.vic.gov.au/anti-vilification>

² <https://www.reuters.com/article/us-britain-lgbt-crime-idUSKCN1S1J1WL>

³ <https://commonslibrary.parliament.uk/employment-tribunal-rulings-on-gender-critical-beliefs-in-the-workplace/>

⁴ *Peel Hotel Pty Ltd (Anti-Discrimination Exemption) [2010] VCAT 2005.*

⁵ We note that the *Equal Opportunity Act 2010 (Vic)* provides VCAT with the authority to grant exemptions to provide such restrictions under s89.

4. Supports sporting organisations and governing bodies in establishing rules to manage participation related to athletes without interference from the state.

Current legislative provisions enable sporting organisations to exclude participation of people based on sex or gender identity from competitive sport where strength, stamina and or physique of competitors is relevant⁶. The Libertarian Party supports the right of organisations and governing bodies to determine this themselves.

5. Supports prioritising involvement of parents/legal guardians in decision-making regarding gender-questioning youth to safeguard the best interest of the Child.

The last term of Victorian Parliament saw the introduction of the *Change or Suppression (Conversion) Practices Prohibition Act 2021*. While this legislation protects people from harmful conversion practises, in combination with education policies this has allowed children to be socially transitioned at school without knowledge or consent from the child's parent or legal guardian. The Libertarian Party supports prioritisation of parents/legal guardians in the discussion and treatment of their child's gender-questioning as this is in the child's best interest, unless there is strong evidence to suggest otherwise.

While in Victoria the law requires an 'affirmation only' response to gender-questioning youth, an increasing number of countries have moved to a 'watchful waiting' approach. The Libertarian Party supports consideration of all well-founded methods to assist gender-questioning youth, as exploring all reasonable options is in their best interests.

6. Supports a broad and systematic review of youth gender medical treatment.

Several European countries have conducted a broad review into the safety and efficacy of a medical interventionist approach to treat gender dysphoria and gender-questioning youth. This approach may involve the use of puberty blockers, hormone treatment and surgery. Countries such as France, Sweden and the UK have chosen to restrict these practices out of concerns for the safety of children. The Libertarian Party supports a broad and systematic review of youth gender medical treatment, similar to the UK Cass review.

⁶ s72(1) Equal Opportunity Act 2010 (Vic).