



**AFFILIATION OF AUSTRALIAN
WOMEN'S ACTION ALLIANCES
(AAWAA)**

Women's Action Alliance Canberra (WAAC)
Women's Action Alliance Tasmania (WAAT)
Queensland Women's Action Alliance (QWAA)
South Australian Women's Action Alliance (SAWAA)
Western Australian Women's Action Alliance (WAWAA)



**Exemption application under the
*Sex Discrimination Act 1984 (Cth)***

**Submission from the
Affiliation of Australian
Women's Action Alliances
(AAWAA)**

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womensactionall@gmail.com
womensactionall.wordpress.com

The Affiliation of Australian Women's Action Alliances (AAWAA) welcomes the opportunity to comment on the application by the Lesbian Action Group (LAG) for an exemption under the *Sex Discrimination Act 1984* to conduct 'Lesbians Born Female'-only events, including to celebrate International Lesbian Day.

AAWAA brings together women's liberation groups from the ACT, Tasmania, Queensland, South Australia, and Western Australia, all of whom contributed to and endorsed this submission. We advocate for women and girls in all domains that impact the lives and welfare of females, but especially where we face discrimination or are physically vulnerable by reason of our sex. We campaign against homophobia and against gender-based stereotyping in education, the media, and online, and we are keenly committed to supporting and advocating for young people impacted by gender medicine. Our groups are secular, and we are not aligned with any political party or parties.

AAWAA respectfully urges the AHRC to grant this exemption to ensure the dignity and safety of this vulnerable group. We also call on the AHRC to review deficiencies in the *Sex Discrimination Act 1984* and to recommend amendments to ensure the Act protects women and girls from discrimination where we are vulnerable by reason of our sex.

Why the exemption is necessary

AAWAA believes that an exemption is essential to ensure the dignity and safety of lesbians.

An exemption would provide recognition of the inherent dignity and value of lesbians – as individuals and as a group – in the same way that the *Marriage Equality Act 2017* recognised the rights of lesbian couples to equality before the law. An exemption would also serve to uphold the rights of this group to freedom of expression and association, rights that are spelt out in the International Covenant on Civil and Political Rights (ICCPR),¹ as well as the group's implied right to political communication – a right to which all Australians are entitled, and which is fundamental to the proper functioning of our democracy. An exemption would similarly ensure equal opportunity for lesbians and relief from discrimination, in line with the *Sex Discrimination Act 1984*.²

It is also sadly the case that an exemption is necessary to ensure the safety and security of this group given the hostility manifest in some quarters towards lesbians. Lesbians face intense psychological harassment on social media as well as threats to their physical safety.³ As the UN Declaration on the Elimination of Violence against Women⁴ makes clear, violence and the threat of violence is an especially pernicious form of discrimination as it undermines women's ability to enjoy our rights and freedoms on the basis of equality.

¹ [International Covenant on Civil and Political Rights](#), Articles 19 and 22

² [Victorian Pride Centre discriminates against lesbian group](#), LGB Alliance Australia, 28 August 2023

³ [The Cotton Ceiling – lesbian women must consider trans women as potential sexual partners](#), Terf Is A Slur; [Lesbians, No Conflict They Said](#); [Trans lobby group Stonewall brands lesbians 'sexual racists' for raising concerns about being pressured into having sex with transgender women who still have male genitals](#), *Daily Mail Australia*, 21 Nov 2021; [Lesbian speed-dating is not for men. Trans activism is turning back the clock on gay rights](#), Spiked Online, 15 April 2023

⁴ [Declaration on the Elimination of Violence against Women](#), United Nations



An exemption would be lawful

AAWAA notes that in addition to the ethical and legal imperative of granting an exemption, there is nothing in Australian law to prevent the AHRC doing so. The Lesbian Action Group is a voluntary body and the *Sex Discrimination Act*⁵ explicitly states that it is not unlawful for voluntary bodies to discriminate on the basis of a person's sex, sexual orientation, or gender identity.

Who would be affected by an exemption?

AAWAA assesses that the granting of an exemption allowing this group to hold lesbian-born-female-only events will have no practical effect on males who identify as LGBTQ as there already exists a plethora of other event and advocacy opportunities (many of which receive extensive public funding) for them. We point to organisations such as A Gender Agenda, Transcend, Minus 18, ACON, and many more in this regard. Similarly, granting an exemption to LAG will not impact the enjoyment of other groups to their freedom of expression and association and to their implied right of political communication.

Impact on other interested parties

AAWAA is an interested party in this application. AAWAA is an affiliation of voluntary bodies of women brought together to advocate for women and girls on the basis of our shared conviction – informed by evidence-based science – that women (i.e., 'female-born', 'biological' women) must work together to address the causes (including those rooted in human biology) of women's oppression.

We have a keen interest therefore in seeing the rights of Australian women to freely associate and express their opinions upheld. This is especially important in light of claims – including on the part of some political parties – that even the mere assertion of the immutability of sex is 'harmful' and should be prohibited.⁶

AAWAA is concerned that the denial of an exemption to LAG would also set back a fundamental aim of our organisations, that is, to support and advocate for young women and girls impacted by gender medicine. In this regard, we draw the Commission's attention to the testimonies of young women who have regretted undergoing hormonal and other irreversible medical interventions and realised in retrospect that their transgender identification was mistaken and that they were in fact simply same-sex attracted.⁷ Many wished they had known positive lesbian role models who might have mitigated the internalised homophobia that drove them to transition.⁸ Observers of gender clinics have also noted the presence of homophobia, including among clinicians in the field of gender affirmation medicine.⁹

⁵ [Sex Discrimination Act 1984](#), Article 39

⁶ See Glossary, [LGBTQIA](#), WA Greens; see also, ['This will split us': Victorian Greens expand party's definition of transphobia](#), *The Age*, 23 April 2023

⁷ ['I thought I was trans, but realised I'm lesbian'](#), *The Australian*, 27 October 2021; ['Absolutely devastating': woman sues psychiatrist over gender transition](#), *Sydney Morning Herald*, 24 August 2022

⁸ [Detransition: Beyond, Before and After](#), Max Robinson, Spinifex Press, 2021

⁹ [Time to Think. The Inside Story of the Collapse of the Tavistock's Gender Service for Children](#), Hannah Barnes, pp. 204 ff; [It feels like conversion therapy for gay children, say clinicians. Ex-NHS staff fear that homophobia is driving a surge in 'transgender' young people](#), *The Times*, 8 April 2019



AAWAA recognises that homophobia alone does not explain the exponential increase in young women and girls presenting at gender clinics in Australia and internationally;¹⁰ other factors are at play including prior trauma (particularly sexual trauma), depression, and autism. It is nonetheless imperative for the future well-being of many girls and young women that our society respects lesbian role models.

Beyond this particular exemption: deficiencies in existing law

AAWAA is aware that Victoria – along with other states – has legislated to allow individuals to self-nominate the sex that is registered on their birth certificates. AAWAA notes that, whether or not it was their intention, these laws weaken a key object of the *Sex Discrimination Act* – that is, to protect women and girls in situations where they face discrimination or are vulnerable as a result of our sex.

AAWAA also holds that the Australian Parliament did not intend its 2013 amendments to the *Sex Discrimination Act* – which prohibited discrimination on the basis of gender identity – to lessen the pre-existing rights that women enjoyed to freedom of expression and association as well as to safety and dignity where we are vulnerable because of our sex. On the contrary, the exemptions that were carved out in the amended Act – for example in relation to fitting room attendants – privilege sex over gender identity “to preserve decency and privacy” in relation to sex.

AAWAA looks to the AHRC to review state- and territory-based laws to identify where these laws conflict with the obligations of the Commonwealth to prohibit discrimination against women, including to uphold our rights to freedom of expression and association and to ensure the dignity and safety of women and girls in establishments such as prisons, rape crisis centres, hospitals, and in other single-sex facilities.

We further look to the AHRC to recommend the Australian Parliament update the *Sex Discrimination Act* to remedy the uncertainty that state- and territory-based self-identity laws have created. Where a conflict of rights exists, it must be resolved on the basis of proportionality so that new laws do not derogate unnecessarily from pre-existing rights. In practice, this must mean clarifying that biological sex must take precedence over gender identity where women and girls are vulnerable by reason of our sex.¹¹

AAWAA stands ready to elaborate on this submission should the AHRC so request.

¹⁰ [Sharp Increase in Incidence of Gender Dysphoria in Children and Young People](#), Society for Evidence based Gender Medicine; [Number of children enrolled, receiving puberty blockade and cross sex hormones in five gender clinics in Australia, 2014-2021](#), Dianna T Kenny, 29 October 2022

¹¹ [Submission from the Affiliation of Australian Women’s Action Alliances](#) (AAWAA), Inquiry into Australia’s human rights framework by the Parliamentary Joint Committee on Human Rights, 30 June 2023

