



WESTERN AUSTRALIAN WOMEN'S ACTION ALLIANCE (WAWAA)

Australian Human Rights Commission
legal@humanrights.gov.au

3 October 2023

Dear Commissioners,

Re: AHRC's preliminary view in relation to application by Lesbian Action Group for a temporary exemption to the Sex Discrimination Act 1984 (Cth)

We are writing to express our profound disappointment with the AHRC's preliminary view in relation to the above. We believe that the AHRC has fundamentally ignored submissions that clearly delineate valid reasons as to why a right for lesbians to hold lesbian-only gatherings might be necessary.

We are concerned that the commission speaks of women (a term that, on the commission's view, includes males) with 'cis' and 'trans' "experience," ignoring the reality of biological sex, and the central meaning of that reality in homosexual, same-sex attraction (para 7.41).

We dispute the commission's view that transwomen may be "further excluded" (para 7.42) and discriminated against. We note that transwomen have full rights to congregate together without the presence of 'non-transwomen' and that they face no accusations of discrimination when doing so.

WAWAA repudiates the commission's characterisation that lesbians' request to hold lesbian-only events and gatherings is 'not appropriate and reasonable' and is in some way 'discriminating' (para 7.41). This is a misrepresentation in of a genuinely marginalised group.

The commission's view that to allow a gathering of women based on their sex and same-sex attraction is to "make distinctions" is to portray the natural state and existence of lesbians as discriminatory.

We reject the implication at paragraph 7.32 that an exemption from liability exists if lesbians confine attendance at lesbian-only gatherings to members of their own organisation or to meeting in private. This implies that the commission is comfortable with the prospect that lesbians and lesbian culture should move underground — removing easy



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and open access for the lesbian youth of emerging generations — and out of the public eye.

WAWAA attests that the insertion of unverifiable and unproveable 'gender identity' into the *Sex Discrimination Act* (Cth) and the commission's prioritising of gender over sex has resulted in discrimination on the basis of sex, and sets a precedent that any female-only, single-sex event is discriminatory and therefore unlawful. The impacts of this, culturally and socially speaking, will be significant: at a time when we are telling our girls to say 'no,' removing the right of any women to hold single-sex events will be an encouragement to men and boys to test and violate women's boundaries and bodies even more than they already do.

Finally, we raise an important point related to such boundary-testing and -breaking and the increased opportunity and potential it delivers for male violence against women and girls. We are extremely troubled that the commission has made little apparent attempt to address the concerns of the applicants or their supporters, especially in regards to threats of violence against lesbians wanting to gather only amongst themselves. We encourage commissioners to visit terfisaslur.com and explore the section on the 'cotton ceiling' (a term used by males who want to force lesbians to take lesbians as sexual partners) for a small selection of what we believe to be compelling evidence of threats of male violence against lesbians. A broader search of the same website will expose for commissioners the more general threats of male violence made against females seeking establish boundaries for women and girls.

It is WAWAA's opinion that to not allow lesbians to participate in lesbian-only events constitutes a fundamental attack on the rights of homosexual females', their culture, and the right of lesbians to congregate without the imposition of male-sexed persons regardless of those male persons' gender identity. Proposing that lesbians meet in private and out of the view of the public eye, i.e., in secret, means that the commission is pushing lesbians back into the closet, at the cost of intergenerational community building and the consciousness and awareness of young lesbians.

It is not too late for the Australian Human Rights Commission to grant an exemption to the Lesbian Action Group. As noted in our previous submission, WAWAA supports the diversity of community organising across Australia for all groups, and so we support the rights of lesbians to meet as a community.

Yours Faithfully,

The Women of WAWAA
Western Australian Women's Action Alliance



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