



Australian Human Rights Commission
Level 3, 175 Pitt St,
Sydney NSW 2000

1 October 2023

Dear Commissioners,

Re: Appeal Against Interim Judgement - Lesbian Action Group Application for a temporary exemption under s 44(1) of the Sex Discrimination Act 1984 (Cth).

We are deeply surprised and dismayed by the Commission's interim judgement dated 25 September 2023 in relation to the Lesbian Action Group (LAG) application for a temporary exemption under s44(1) of the Sex Discrimination Act 1984 (Cth).

We outline our concerns below:

- The interim judgement misses a key legal point. The LAG application underscores the irreconcilable differences between biological sex attraction and gender identity in the context of law. The interim judgement makes no mention of this legal point.
- The interim judgement employs terms such as 'cisgender' and 'transgender' without acknowledging the inherent disparities between biological sex, sex-based attraction, and gender identity. Biological sex is a scientifically established fact and the foundation of the application by LAG. Human sex is immutable and unchangeable which makes discrimination on this basis unavoidable.
- Gender identity is an unverifiable personal and subjective identification. Gender identity is unfalsifiable and cannot be scientifically proven.
- The LAG application is grounded in biological same sex attraction and relies on established legal underpinnings. These legal principals relate to biological same sex attraction, including anti-discrimination statutes that have protected individuals based on their same sex attraction for over 50 years. Gender identity is irrelevant to this.
- Furthermore, biological sex is an empirically verifiable concept. Gender identity is a personal belief, self-identified, unverifiable, and unfalsifiable claim and unrelated to and incongruous with the scientific and legal basis of LAG's application.

We request the following:

1. That the Commission engages in meaningful debate based on the original application's basis in same sex biological attraction;
2. That the Commission employ scientifically sound terminology in considering the judgement;
3. That the Commission employ sound legal principles in relation to same sex attraction and irrelevant claims related to gender identity be dismissed;
4. That the Commission give due consideration to homosexuality as a protected characteristic.

Sincerely,
Women's Rights Network Australia