

## Lesbian Bill of Rights (LBOR) International

### Statement in response to the Preliminary View on Application for Temporary Exemption: Lesbian Action Group (LAG)

LBOR International is not persuaded by the findings of the Commission that an exemption should not be granted. In particular, LBOR International points to:

#### **7.41 The Commission is not persuaded it is appropriate and reasonable to:**

- **make distinctions between women based on their cisgender or transgender experience...**

Without providing definitions in law (or in fact any definition) for the pertinent terms

*woman, lesbian, man, cis, gender, trans, cisgender experience, transgender experience*

the Commission finds a distinction between women, defined in the Lesbian Bill of Rights (LBOR)<sup>1</sup> as adult human females, and men, defined in the LBOR as adult human males, to be inappropriate and unreasonable, which in praxis eradicates the category of sex. Erasing sex erases all the sex-based rights of women and girls, and by extension, the rights of lesbians, who are defined in the LBOR as women or girls who are exclusively same-sex attracted. Obviously, the defining characteristic of a lesbian is based on the biological reality of sex and not on a subjective feeling of womanliness, or a “gender identity.” In effect, the Commission’s purposeful use of “gender” sets the groundwork for the abolition of sex in law.

The Commission must provide definitions for the above terms to enable the applicants and the public to fully understand its eventual ruling.

#### **7.41 The Commission is not persuaded it is appropriate and reasonable to:**

- **make distinctions ... among same-sex attracted women based on the exclusivity of their same-sex attraction at an event of this kind ...**

Same-sex attraction is based on sex and it is exclusive by definition; i.e., men are not women. Same-sex attraction is inevitably at odds with same-“gender” attraction, and excludes different-sex attraction. It does not exclude same-sex attracted women based on any other characteristic, such as skin colour, weight, or age. Conversely, what would a non-exclusive same-sex attraction look like? Not like a lesbian.

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<sup>1</sup> <https://womensdeclarationusa.com/lesbian-bill-of-rights>

The Commission must provide definitions for pertinent terms to make it clear what it means when it uses, for example, the word “lesbian.”

**7.42 The Commission notes that the grant of this exemption may lead to the further exclusion of and discrimination against same-sex attracted transgender women. Transgender women are a group who have and continue to experience discrimination, harassment and social exclusion.**

It is not clear what the word “further” means in the above sentence and how it relates to lesbians. By putting some of the burden of the alleged<sup>2</sup> exclusion and discrimination of adult human males who claim to be female on lesbians, the Commission fails in its obligation to protect lesbians from all forms of discrimination against women.

The position of LBOR International remains: As laid out in the Declaration on Women’s Sex-Based Rights<sup>3</sup>, women’s rights to peaceful assembly “should include the right of women and girls to assemble and associate as women or girls based on their sex, and the rights of lesbians to assemble and associate on the basis of their common sexual orientation, without including men who claim to have female ‘gender identities’.” As laid out in the Lesbian Bill of Rights, lesbians have the right to create and maintain lesbian-only spaces.

How can the Commission base any decision when there is no clear definition of terms? We urge you to revise your view in light of these points and grant the requested exemption to the Lesbian Action Group. A decision denying LAG’s exemption will signal to the world that lesbians do not have a right to exist in public life in Australia. What a disgrace that would be.

2 October 2023  
LBOR International

*LAZ reloaded (Germany)*  
*Lesbian Resistance (NZ)*  
*The Countess LWG (Ireland)*  
*WDI Australia/New Zealand Lesbian Caucus*  
*Lesbian Action Group (Australia)*  
*WDI USA Lesbian Caucus*

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<sup>2</sup> We say “alleged” because we have yet to see clear evidence of discrimination and exclusion that exclusively pertains to men who claim to be female, and not to a nebulous group called “LGBTQIA+”. Pointing to submissions who oppose the application is not evidence and shows the Commission’s bias.

<sup>3</sup> <https://www.womensdeclaration.com/en/declaration-womens-sex-based-rights-full-text/>