

I am writing in response to the HRC rejection of an exemption request so that lesbians might meet lawfully.

In relation to Point 7.42 of your interim finding I suggest to you that when we think about human rights from a proportional approach, lesbians are the most highly disadvantaged group within the Rainbow umbrella. Lesbians are so marginalised, nobody bothers to research them and Mainstream Rainbow Organisations like Equality Australia don't even mention them in their websites, materials or annual reports. This absence of research into the lives and experiences of lesbians is supported by analysis undertaken by the LGB Alliance Australia. Further to that, any current research is now methodologically unsound as "lesbian" now comprises all manner of people who are not necessarily same sex attracted females. It includes biological males and heterosexual females rendering the research useless when trying to capture the experience and lives of same sex attracted women.

I note that your reasoning in Points 7.37 and 7.40 you suggested that there was an absence of evidence to support lesbian claims that they were subject to harassment and other negative and impactful behaviours. I refer you back to my point made above regarding the exclusion of lesbians from research by those Mainstream Rainbow Organisations charged with their care and support, and I further remind you that testimony is evidence. It is my understanding that you were provided with innumerable accounts from lesbians regarding their lived experience. As you seem to have ignored this and have requested more specific evidence I will share with you some of my own experiences. There seems to be a focus on "lived experience" and given nobody researches lesbians as a cohort anecdotal evidence is all we have. So here is mine:

Since coming out over 30 years ago I have been harassed by males asking how I "*have sex as a lesbian*" on buses, planes, boats and cars; in bars, clubs and restaurants; in classes, on tours, walking down the street and countless other locations. I have been leered at and threatened with sexual assault by men in those environments. I have had men tell me that I just haven't met the right man, while insinuating that they might be the answer. Now I am told by institutions such as yours that it is bigoted of me to refuse to engage in any type of sexual relationship with men. Mainstream Rainbow Organisations that are meant to represent my interests have made homophobic public statements referring to lesbians who do not wish to have sex with men as "sexual racists" who need to reconsider their choices, as if lesbianism were a choice I could opt out of to serve the sexual needs of men.

In the late 2000's I was a member of a Lesbian Social Group located in Melbourne. This was expanded to include transgender identified people as they considered themselves part of that community and for the purpose of inclusion. This process of inclusion resulted in trans identified males joining the group, and they were soon leering at some of the women in the group, sexually harassing them and creating a hostile and unpleasant social environment. Their behaviour was coercive, threatening and profoundly unwelcome. Fewer and fewer women attended the meet ups each month and inevitably the group finally disbanded. It has been over a decade since I have been able to connect with that community, which I consider a fundamental part of my identity.

In the late 2000's I was also a member of a lesbian book club. We met frequently to discuss books, socialise and connect with our community. We had wide ranging discussions about our lives, our experiences and of course, books. In the name of inclusion a trans identified male was accepted into the group, with everybody being supportive and understanding. It very quickly became clear that this individual did not read the books, they dominated conversations and were frequently inappropriate in those discussions. They would be overtly sexual and were sexually coercive towards a number of women in the group. After some time the lesbian book group was disbanded and I lost yet another

connection with my community. These experiences are echoed by countless women who are too afraid to speak up for fear of being labelled transphobic. Women who do speak out are removed from social groups, ostracised in their communities and banned from social media.

With regard to those threats being made against women who speak about the coercive, threatening and inappropriate behaviour of males who identify as lesbian, I note that last week I received an email from the Australian Human Rights Commission (you) indicating that a Freedom of Information request had been made to access information about individual submissions made in relation to the LAG application. It is hard not to perceive this as a profoundly hostile act of intimidation against a group of highly disadvantaged and vulnerable women. It appears that it is intended to dissuade us from fighting for and pursuing our human rights.

I also draw your attention to the reality that this hostile act may be intended to out those women and men who have written in support of the exemption request. Outing is usually considered a homophobic hate crime and in many contexts a form of violence. I am both shocked and stunned that this possibility has not occurred to the AHRC and that you can even countenance such an action demonstrates how far you have strayed from your mission to protect the human rights all members of the community.

In Point 7.43 of your preliminary view there was mention of whether it would be necessary for vulgar “genital checks” to be conducted to determine eligibility for attendance at lesbian only events. Lesbians have set clear boundaries regarding who they wish to have sex with and by their inherent nature they do not wish to have sex with men, no matter how those men might identify. This is a clear and unequivocal boundary. Suggesting that there may be something as ridiculous and absurd as “genital checks” to determine who might be eligible to attend a lesbian only event speaks volumes about those who do not respect the boundaries of lesbians. No invasive and inappropriate genital checks are required if the boundaries of lesbians are respected. Suggesting the necessity of “genital checks” highlights the refusal of certain groups to respect the clearly stated boundaries of lesbians and gives insight into their style of activism and the coercive approach they take to those that do not agree with them. This breaching of lesbian boundaries is a consistent theme among males who identify as women and is most exemplified in the worst possible way by the vile “cotton ceiling” narrative. We just want to be left alone without harassment from men and well-meaning progressive people who think that lesbians meeting socially and refusing to have sex with men is a heresy.

In Point 7.38 you seem to not possess a clear understanding of sex and gender. Sex is dimorphic, binary and immutable and the science has been clear on that since the beginning of time, particularly given this is how we reproduce. Gender is socially constructed understandings of what society considers to be masculine and feminine and these are often regressive stereotypes. Any first year sociology student understands these distinctions so I am unclear how they managed to escape a legal scholar who presumably has capacity for critical thinking and who can undertake basic research. Same sex attraction is based on sex, not socially constructed regressive stereotypes and no post modern quasi-religious ideology will change the reality of that. Nor will the coercive homophobic adjudication of a government institution. I also note that no definition of these terms has been provided in your interim view – giving the appearance that, embarrassingly, the AHRC itself does not have a full understanding of what it makes reference to.

I urge you to reconsider your profoundly homophobic interim decision.